

INTERNATIONAL CODE COUNCIL

2009/2010 CODE DEVELOPMENT CYCLE

PROPOSED CHANGES TO THE 2009 EDITIONS OF THE

INTERNATIONAL BUILDING CODE®
INTERNATIONAL ENERGY CONSERVATION CODE®
INTERNATIONAL EXISTING BUILDING CODE®
INTERNATIONAL FIRE CODE®
INTERNATIONAL FUEL GAS CODE®
INTERNATIONAL MECHANICAL CODE®
INTERNATIONAL PLUMBING CODE®
INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE®
INTERNATIONAL PROPERTY MAINTENANCE CODE®
INTERNATIONAL RESIDENTIAL CODE®
INTERNATIONAL WILDLAND-URBAN INTERFACE CODE®
INTERNATIONAL ZONING CODE®

October 24 2009 – November 11, 2009

Hilton Baltimore
Baltimore, MD



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By

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INTRODUCTION

The proposed changes published herein have been submitted in accordance with established procedures and are distributed for review. The publication of these changes constitutes neither endorsement nor question of them but is in accordance with established procedures so that any interested individuals may make their views known to the relevant code committee and others similarly interested. In furtherance of this purpose, the committee will hold an open public hearing at the date and place shown below for the purpose of receiving comments and arguments for or against such proposed changes. Those who are interested in testifying on any of the published changes are expected to be represented at these hearings.

This compilation of code change proposals is available in electronic form only. As part of ICC's green initiative, ICC will no longer print and distribute this document. The compilation of code change proposals will be posted on the ICC website, and CD copies will be distributed to all interested parties on our list.

2009 ICC CODE DEVELOPMENT HEARINGS

These proposed changes will be discussed in public hearings to be held on October 24, 2009 through October 31, 2009 and November 4-11, 2009 at the Hilton Baltimore, Baltimore, Maryland. The code committees will conduct their public hearings in accordance with the schedule shown on page xxxii.

REGISTRATION AND VOTING

All members of ICC may vote on any assembly motion on proposed code changes to all International Codes. **For identification purposes, eligible voting members must register, at no cost, in order to vote.** The registration desk will be open in the lobby of the convention center according to the following schedule:

Friday, October 23 rd	3:00 pm to 6:00 pm
Saturday, October 24 th through Wednesday November 11 th	7:30 am to 5:00 pm

Council Policy #28-Code Development (page xii) requires that ICC's membership records regarding ICC members reflect the eligible voters 10 days prior to the start of the Code Development Hearings. This process includes new as well as changes to voting status. Section 5.7.4 of CP #28 (page xix) reads as follows:

5.7.4 Eligible Voters: All members of ICC in attendance at the public hearing shall be eligible to vote on floor motions. Only one vote authorized for each eligible attendee. Code Development Committee member shall be eligible to vote on floor motions. Application, whether new or updated, for ICC membership must be received by the Code Council ten days prior to the commencement of the first day of the public hearing.

As such, new membership application as well as renewal applications must be received by ICC's Member Services Department by October 14, 2009. These records will be used to verify eligible voter status for the Code Development Hearings. Members are strongly encouraged to review their membership records for accuracy well in advance of the hearings so that any necessary changes are made prior to the October 14, 2009 deadline. For information on application for new membership and membership renewal, please go to www.iccsafe.org/membership/join.html or call ICC Member Services at 1-888-ICC SAFE (422-7233)

It should be noted that a corporate member has a single vote. Only one representative of a corporate member will be issued a voting badge. ICC Staff will be contacting corporate members regarding who the designated voting representative will be.

ADVANCED REGISTRATION

You are encouraged to advance register by filling out the registration form available at www.iccsafe.org/codesforum.

CODE DEVELOPMENT PROCESS CHANGES

As noted in the posted Advisory Statement of February 4, 2009, the revised Code Development Process includes maintaining the current 3-year publication cycle with a single cycle of code development between code editions. The schedule for the 2009/2010 Code Development Cycle is the transitional schedule for the revised code development process. As noted, there will be two Final Action Hearings in 2010—one for the modified Group A, and one for the modified Group B. The codes that will comprise the Group A and Group B hearings will be announced prior to the Code Development Hearings in Baltimore. See the Code Development Process Notes included with the Schedule on page viii.

PROCEDURES

The procedures for the conduct of the public hearing are published in *Council Policy #28-Code Development (CP#28)* ("Procedures") on page xii. The attention of interested parties is specifically directed to Section 5.0 of the Procedures. These procedures indicate the conduct of, and opportunity to participate in the ICC Code Development Process. Please review these procedures carefully to familiarize yourself with the process.

There have been a number of revisions to the procedures. Included among these revisions are the following:

- Section 2.3: **Supplements:** ICC will no longer produce a Supplement to each edition of the I-Codes. A new edition of the I-Codes will be based upon activity of a single code change cycle.
- Section 3.3.3: **Multiple code change proposals:** A proponent is not permitted to submit multiple code changes to one section of a code unless the subject matter of each proposal is different.
- Section 4.5.1: **Administrative update of standards:** Updating of standards without a change to code text (administrative update) shall be a code change proposal dealt with by the Administrative Code Development Committee. The updating of standards procedures have also changed. See discussion on updating of standards on page vi.
- Section 4.7: **Code change posting:** All code change proposals are required to be posted on the ICC website 30 days before the code development hearings. Published copies will not be provided.
- Section 5.2.2: **Conflict of interest:** Clarification is added that a committee member who steps down from the dais because of a conflict of interest is allowed to provide testimony from the floor on that code change proposal.
- Section 5.4.6.2: **Proponent rebuttal testimony:** Where the code change proposal is submitted by multiple proponents, only one proponent of the joint submittal to be allotted additional time for rebuttal.
- Section 5.5.2: **Modifications:** The chair rules a modification in or out of order. The chair's decision is final. No challenge in a point of order is allowed for this ruling.

Section 5.7.3: **Assembly Actions:** Several changes have been made to assembly actions. See explanation page v

Section 7.3.8.2: **Initial motion at final action hearings:** A successful assembly action becomes the initial motion at the final action hearings. See explanation page v.

ASSEMBLY ACTION

The procedures regarding assembly action at the Code Development Hearings have been revised to place more weight on the results of that action (see Section 5.7 of CP #28 on page viii). Some important items to note regarding assembly action are:

- A successful assembly action now requires a 2/3 majority rather than a simple majority.
- After the committee decision on a code change proposal is announced by the moderator, any one in the assembly may make a motion for assembly action.
- After a motion for assembly action is made and seconded, the moderator calls for a floor vote in accordance with Section 5.7.2. *No additional testimony will be permitted.*
- A successful assembly action becomes the initial motion considered at the Final Action Hearings. This also means that the required vote at the Final Action Hearings to uphold the assembly action is a simple majority.

MULTIPLE PART CODE CHANGE PROPOSALS

It is common for ICC to receive code change proposals for more than one code or more than 1 part of a code that is the responsibility of more than one committee. For instance, a code change proposal could be proposing related changes to the text of IBC Chapter 4 (IBC-General), IBC Chapter 7 (IBC-Fire Safety), and the IFC Chapter 27 (IFC). When this occurs, a single committee will now hear all of the parts, unless one of the parts is a change to the IRC, in which case the respective IRC committee will hear that part separately.

ADMINISTRATIVE CODE DEVELOPMENT COMMITTEE

A new committee for the 2009/2010 Code Change Cycle and going forward is the Administrative Code Development Committee. This committee will hear code change proposals to the administrative provisions of the I-Codes (Chapter 1 of each code.) The purpose of this committee is to achieve, inasmuch as possible, uniformity in the administrative provisions of all I-Codes when such uniformity is warranted.

ANALYSIS STATEMENTS

Various proposed changes published herein contain an “analysis” that appears after the proponent’s reason. These comments do not advocate action by the code committees or the voting membership for or against a proposal. The purpose of such comments is to identify pertinent information that is relevant to the consideration of the proposed change by all interested parties, including those testifying, the code committees and the voting membership. Staff analyses customarily identify such things as: conflicts and duplication within a proposed change and with other proposed changes and/or current code text; deficiencies in proposed text and/or substantiation; text problems such as wording defects and vagueness; background information on the development of current text; and staff’s review of proposed reference standards for compliance with the Procedures. Lack of an analysis indicates neither support for, nor opposition to a proposal.

REFERENCE STANDARDS

Proposed changes that include the addition of a reference to a new standard (i.e. a standard that is not currently referenced in the I-Codes.) will include in the proposal the number, title and edition of the proposed standard. This identifies to all interested parties the precise document that is being proposed and which would be included in the referenced standards chapter of the code if the proposed change is approved. Proponents of code changes which propose a new standard have been directed to forward copies of the standard to the Code Committee and an analysis statement will be posted on the ICC website indicating the status of compliance of the standard with the ICC referenced standards criteria in Section 3.6 of CP #28 (see page xiv). (See the ICC Website page xi) The analysis statements for referenced standards will be posted on or before September 24, 2009. This information will also be published and made available at the hearings.

REFERENCED STANDARDS UPDATES

At the end of the agenda of the Administrative Code Development Committee is a code change proposal that is an administrative update of the referenced standards contained in the I-Codes. This code change proposal, ADM39-09/10 contains a list of standards for which the respective promulgators have indicated that the standard has been updated. The codes that these standards appear in are indicated beside each listed referenced standard. This update will then apply to every code in which the standard appears.

It should be noted that in accordance with Section 4.5.1 of CP #28 (see page xvi), standards promulgators have until December 1, 2011 to finalize and publish any updates to standards in the administrative update. If the standard is not finalized by December 1, 2011, the code will be revised to reference the previously listed year edition of that standard.

MODIFICATIONS

Those who are submitting modification for consideration by the respective Code Development Committee are required to submit a Copyright Release in order to have their modifications considered (Section 3.3.4.5 of CP #28). It is preferred that such release be executed in advance – the form is at <http://www.iccsafe.org/cs/codes/publicforms.htm>. Copyright release forms will also be available at the hearings. Please note that an individual need only sign one copyright release for submittals of all code change proposals, modification, and public comments in this code change cycle for which the individual might be responsible. **Please be sure to review Section 5.5.2 of CP #28 for the modification process.** The Chair of the respective code development committee rules a modification in or out of order. That ruling is final, with no challenge allowed. The proponent submitting a modification is required to supply 20 printed copies. The minimum font size must be 12 point.

CODE CORRELATION COMMITTEE

In every code change cycle, there are code change proposals that are strictly editorial. The Code Correlation Committee approves all proposals deemed editorial. A list of code correlation committee actions will be posted on the ICC website by September 24, 2009.

2009/2010 ICC CODE DEVELOPMENT SCHEDULE

STEP IN CODE DEVELOPMENT CYCLE	DATE	
DEADLINE FOR RECEIPT OF APPLICATIONS FOR CODE COMMITTEES	January 2, 2009	
DEADLINE FOR RECEIPT OF CODE CHANGE PROPOSALS	June 1, 2009	
WEB POSTING OF "PROPOSED CHANGES TO THE I-CODES"	August 24, 2009	
DISTRIBUTION DATE OF "PROPOSED CHANGES TO THE I-CODES" (Limited distribution – see notes)	October 3, 2009	
CODE DEVELOPMENT HEARING (CDH) ALL CODES – see notes	October 24 2009 – November 11, 2009 Hilton Baltimore Baltimore, MD	
WEB POSTING OF "REPORT OF THE PUBLIC HEARING"	December 16, 2009	
DISTRIBUTION DATE OF "REPORT OF THE PUBLIC HEARING" (Limited distribution – see notes)	January 11, 2010	
IN ACCORDANCE WITH THE NEW CODE DEVELOPMENT PROCESS (see notes), THE CODES WILL BE SPLIT INTO TWO GROUPS WITH SEPARATE PUBLIC COMMENT DEADLINES AND FINAL ACTION HEARINGS		
	GROUP A (see notes)	GROUP B (see notes)
DEADLINE FOR RECEIPT OF PUBLIC COMMENTS	February 8, 2010	July 1, 2010
WEB POSTING OF PUBLIC COMMENTS "FINAL ACTION AGENDA"	March 15, 2010	August 26, 2010
DISTRIBUTION DATE OF PUBLIC COMMENTS "FINAL ACTION AGENDA" (Limited distribution see notes)	April 16, 2010	September 27, 2010
FINAL ACTION HEARINGS (FAH)	May 14 – 23, 2010 Dallas, TX	Oct 28 – Nov 1, 1020 Charlotte, NC
ANNUAL CONFERENCES	<p><u>October 24 – November 11, 2009</u> 2009 ICC Annual Conference and Code Development Hearing Balitmore, MD</p> <p><u>October 25 – November 1, 2010</u> 2010 ICC Annual Conference and Final Action Hearing Charlotte, NC</p>	
RESULTING PUBLICATION	2012 – I-Codes (available April, 2011)	

Code Development Process Notes:

As noted in the posted Advisory Statement of February 4, 2009, the revised Code Development Process includes maintaining the current 3-year publication cycle with a single cycle of code development between code editions. Implemented as follows:

- Transitional Process – 2009/2010 only
 - Single Code Development Hearing (CDH) for all codes in 2009
 - Two Final Action Hearings (FAH) in 2010 – modified Groups A and B (see below)
 - Public 2012 edition in April, 2011
- New Process – 2012/2013 and going forward
 - Code Committee application deadline (all codes); June 1, 2011
 - Codes split into two groups: Group A and Group B
 - Group A: IBC; IFGC; IMC; IPC; IPSDC
 - Code change deadline: January 3, 2012
 - Code Development Hearing: April/May 2012
 - Final Action Hearing: October/November 2012 (in conjunction with Annual Conference)
 - Group B: Admin (Ch. 1 of I-Codes); IEBC; IECC; IFC; IPerfC; IPMC; IRC; IWUIC; IZC
 - Code change deadline: January 3, 2013
 - Code Development Hearing: April/May 2013
 - Final Action Hearing: October/November 2013 (in conjunction with Annual Conference)
 - Publish 2015 edition in April, 2014
 - Repeat for subsequent editions

2009/2010 Cycle Notes:

- Revised code change deadline of June 1st posted on March 19th
- Distribution date: Complimentary code development cycle document distribution will be limited to CD's mailed to those who are on ICC's code change document mailing list.
- Code Development Hearings: The Baltimore Code Development Hearings will include 12 I-Codes (no changes to the ICC Performance Code. The hearings will be held in the conventional two track format with the hearings split before and after the Annual Conference during the periods of October 24 – 31 and November 4 – 11. The specific codes and hearing order to be determined based on code change volume.
- Final Action Hearing Groupings: Final Action Hearing logistics dictate that the hearings will not be split along established Group A and B codes (see above) due to hotel commitments which limit the amount of hearing time at the October/2010 FAH versus the May/2010 FAH. Tentatively, the May/2010 FAH will include Group A codes plus certain Group B codes to be determined based on code change volume.

2009/2010 STAFF SECRETARIES

IBC-General Chapters 1-6, 12, 13, 27-34	IBC-Fire Safety Chapters 7, 8, 9, 14, 26	IBC-Means of Egress Chapters 10, 11	IBC-Structural Chapters 15-25
Kermit Robinson ICC Whittier District Office 1-888-ICC-SAFE, ext. 3317 FAX: 562/699-4522 krobinson@iccsafe.org	Ed Wirtschoreck ICC Chicago District Office 1-888-ICC-SAFE, ext 4317 FAX: 708/799-0320 ewirtschoreck@iccsafe.org	Kim Paarlberg ICC Indianapolis Field Office 1-888-ICC-SAFE, ext 4306 FAX: 708/799-0320 kpearlberg@iccsafe.org	Alan Carr ICC NW Resource Center 1-888-ICC-SAFE, ext 7601 FAX: 425/637-8939 acarr@iccsafe.org

IEBC	IECC	IFC	IFGC
Beth Tubbs ICC Northbridge Field Office 1-888-ICC-SAFE, ext 7708 FAX: 419/ 730-6531 btubbs@iccsafe.org	Dave Bowman ICC Chicago District Office 1-888-ICC-SAFE, ext 4323 FAX: 708/799-0320 dmeyers@iccsafe.org	Bill Rehr/ Beth Tubbs ICC Chicago District Office 1-888-ICC-SAFE, ext 4342 FAX: 708/799-0320 brehr@iccsafe.org btubbs@iccsafe.org	Gregg Gress ICC Chicago District Office 1-888-ICC-SAFE, ext 4343 FAX: 708/799-0320 ggress@iccsafe.org

IMC	ICC PC	IPMC	IPC/IPSDC
Gregg Gress ICC Chicago District Office 1-888-ICC-SAFE, ext 4343 FAX: 708/799-0320 ggress@iccsafe.org	Beth Tubbs ICC Northbridge Field Office 1-888-ICC-SAFE, ext 7708 FAX: 419/ 730-6531 btubbs@iccsafe.org	Ed Wirtschoreck ICC Chicago District Office 1-888-ICC-SAFE, ext 4317 FAX: 708/799-0320 ewirtschoreck@iccsafe.org	Fred Grable ICC Chicago District Office 1-888-ICC-SAFE, ext 4359 FAX: 708/799-0320 fgrable@iccsafe.org

IRC-Building/Energy	IRC Mechanical	IRC Plumbing	IWUIC
Larry Franks/ Dave Bowman ICC Northbridge Field Office 1-888-ICC-SAFE, ext 5279 FAX: 205/592-7001 lfranks@iccsafe.org dbowman@iccsafe.org	Gregg Gress ICC Chicago District Office 1-888-ICC-SAFE, ext 4343 FAX: 708/799-0320 ggress@iccsafe.org	Fred Grable ICC Chicago District Office 1-888-ICC-SAFE, ext 4359 FAX: 708/799-0320 fgrable@iccsafe.org	Bill Rehr ICC Chicago District Office 1-888-ICC-SAFE, ext 4342 FAX: 708/799-0320 brehr@iccsafe.org

IZC	ADMINISTRATIVE Chapter 1 All Codes Except IRC
Ed Wirtschoreck ICC Chicago District Office 1-888-ICC-SAFE, ext 4317 FAX: 708/799-0320 ewirtschoreck@iccsafe.org	Dave Bowman ICC Chicago District Office 1-888-ICC-SAFE, ext 4323 FAX: 708/799-0320 dbowman@iccsafe.org

SCOPING REVISIONS – WITHIN THE IBC

The 2009/2010 Staff Secretaries assignments on page ix indicate which chapters of the International Building Code are generally within the responsibility of each IBC Code Committee. However, within each of these IBC Chapters are subjects that are most appropriately maintained by another IBC Code Committee. For example, the provisions of Section 3008.1 deal with occupant evacuation elevators. Therefore, even though Chapter 30 is within the responsibility of the IBC General Committee, this section would most appropriately be maintained by the IBC Means of Egress Committee. The following table indicates responsibilities by IBC Code Committees other than the main committee for those chapters, for code changes submitted for the 2009/2010 Cycle.

SECTION	CHAPTER MAINTAINED BY	SECTION MAINTAINED BY	CODE CHANGES
403.2.3	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
403.5.1	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
403.5.2	IBC-General	IBC-Means of Egress	G46
403.5.4	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
403.5.4	IBC-General	IBC-Means of Egress	G47
403.6.1	IBC-General	IBC-Means of Egress	G48, G49
408.3.8	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
410.5.3.1	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
419.3.0	IBC-General	IBC-Means of Egress	G79
1505.1.0	IBC-Structural	IBC-Fire Safety	S10, S11
1505.8.0	IBC-Structural	IBC-Fire Safety	S12, S13
1507.16.0	IBC-Structural	IBC-Fire Safety	S10, S11
1508.1.0	IBC-Structural	IBC-Fire Safety	S24
1508.2.0	IBC-Structural	IBC-Fire Safety	S25
1509.0.0	IBC-Structural	IBC-General	S26, S27
1509.6.(new)	IBC-Structural	IBC-General	S28
1704.15.0	IBC-Structural	IBC-Fire Safety	S126, S127,S128
3007.1.0	IBC-General	IBC-Means of Egress	G48,G157
3007.2.(new)	IBC-General	IBC-Means of Egress	G158, G159
3007.2.0	IBC-General	IBC-Means of Egress	G160
3007.3.(new)	IBC-General	IBC-Means of Egress	G158, G161
3007.4.(new)	IBC-General	IBC-Means of Egress	G162
3007.4.2	IBC-General	IBC-Means of Egress	G163
3007.4.3	IBC-General	IBC-Means of Egress	G176
3007.5.1.(NEW)	IBC-General	IBC-Means of Egress	G164
3007.7.1	IBC-General	IBC-Means of Egress	G165, G166
3007.8.0	IBC-General	IBC-Means of Egress	G167
3008.1.0	IBC-General	IBC-Means of Egress	G168, G170
3008.1.1	IBC-General	IBC-Means of Egress	G169
3008.10.0	IBC-General	IBC-Means of Egress	G174
3008.10.1	IBC-General	IBC-Means of Egress	G175
3008.11.3	IBC-General	IBC-Means of Egress	G176
3008.11.5	IBC-General	IBC-Means of Egress	G177
3008.3.(NEW)	IBC-General	IBC-Means of Egress	G165, G166
3008.4.(NEW)	IBC-General	IBC-Means of Egress	G171
3008.4.0	IBC-General	IBC-Means of Egress	G46
3008.7.0	IBC-General	IBC-Means of Egress	G172
3008.9.0	IBC-General	IBC-Means of Egress	G173
3401.4.0	IBC-General	IBC-Structural	G190
3401.4.1	IBC-General	IBC-Structural	G191
3401.4.3	IBC-General	IBC-Structural	G190
3401.5.(NEW)	IBC-General	IBC-Structural	G192

SECTION	CHAPTER MAINTAINED BY	SECTION MAINTAINED BY	CODE CHANGES
3402.1.0	IBC-General	IBC-Structural	G193
3403.4.1	IBC-General	IBC-Structural	G190
3404.4.1	IBC-General	IBC-Structural	G190
3405.1.1	IBC-General	IBC-Structural	G192
3405.2.0	IBC-General	IBC-Structural	G193, G194
3405.2.1	IBC-General	IBC-Structural	G193, G190
3405.2.2	IBC-General	IBC-Structural	G193
3405.2.3	IBC-General	IBC-Structural	G193, G195
3405.3.0	IBC-General	IBC-Structural	G193
3405.4.0	IBC-General	IBC-Structural	G193, G194
3405.5.0	IBC-General	IBC-Structural	G196
3408.4.0	IBC-General	IBC-Structural	G190, G197
3408.4.0	IBC-General	IBC-Structural	G190
403.2.3	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
403.5.1	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
403.5.2	IBC-General	IBC-Means of Egress	G46
403.5.4	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
403.5.4	IBC-General	IBC-Means of Egress	G47
403.6.1	IBC-General	IBC-Means of Egress	G48, G49
408.3.8	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
410.5.3.1	IBC-General	IBC-Structural	E5 Part I (Heard by IBC-MOE)
419.3.0	IBC-General	IBC-Means of Egress	G79

ICC WEBSITE – [WWW.ICCSAFE.ORG](http://www.iccsafe.org)

While great care has been exercised in the publication of this document, errata to proposed changes may occur. Errata, if any, identified prior to the Code Development Hearings will be posted on the ICC website at <http://www.iccsafe.org>. Users are encouraged to periodically review the ICC Website for updates to errata to the 2009/2010 Code Development Cycle Proposed Changes. Additionally, analysis statements for code changes which propose a new referenced standard will be updated to reflect the staff review of the standard for compliance with Section 3.6 of the Procedures.



CP# 28-05 CODE DEVELOPMENT

Approved: 9/24/05

Revised: 2/27/09

CP # 28-05 is an update to *ICC's Code Development Process for the International Codes* dated May 15, 2004.

1.0 Introduction

- 1.1 **Purpose:** The purpose of this Council Policy is to prescribe the Rules of Procedure utilized in the continued development and maintenance of the International Codes (Codes).
- 1.2 **Objectives:** The ICC Code Development Process has the following objectives:
 - 1.2.1 The timely evaluation and recognition of technological developments pertaining to construction regulations.
 - 1.2.2 The open discussion of proposals by all parties desiring to participate.
 - 1.2.3 The final determination of Code text by officials representing code enforcement and regulatory agencies and by honorary members.
- 1.3 **Code Publication:** The ICC Board of Directors (ICC Board) shall determine the title and the general purpose and scope of each Code published by the ICC.
 - 1.3.1 **Code Correlation:** The provisions of all Codes shall be consistent with one another so that conflicts between the Codes do not occur. Where a given subject matter or code text could appear in more than one Code, the ICC Board shall determine which Code shall be the primary document, and therefore which code development committee shall be responsible for review and maintenance of the code text. Duplication of content or text between Codes shall be limited to the minimum extent necessary for practical usability of the Codes, as determined in accordance with Section 4.4.
- 1.4 **Process Maintenance:** The review and maintenance of the Code Development Process and these Rules of Procedure shall be by the ICC Board. The manner in which ICC codes are developed embodies core principles of the organization. One of those principles is that the final content of ICC codes is determined by a majority vote of the governmental and honorary members. It is the policy of the Board that there shall be no change to this principle without the affirmation of two-thirds of the governmental and honorary members responding.
- 1.5 **Secretariat:** The Chief Executive Officer shall assign a Secretariat for each of the Codes. All correspondence relating to code change proposals and public comments shall be addressed to the Secretariat.
- 1.6 **Video Taping:** Individuals requesting permission to video tape any meeting, or portion thereof, shall be required to provide the ICC with a release of responsibility disclaimer and shall acknowledge that they have insurance coverage for liability and misuse of video tape materials. Equipment and the process used to video tape shall, in the judgment of the ICC Secretariat, be conducted in a manner that is not disruptive to the meeting. The ICC shall not be responsible for equipment, personnel or any other provision necessary to accomplish the videotaping. An unedited copy of the video tape shall be forwarded to ICC within 30 days of the meeting.

2.0 Code Development Cycle

- 2.1 **Intent:** The code development cycle shall consist of the complete consideration of code change proposals in accordance with the procedures herein specified, commencing with the deadline for submission of code change proposals (see Section 3.5) and ending with publication of final action on the code change proposals (see Section 7.6).

- 2.2 **New Editions:** The ICC Board shall determine the schedule for publishing new editions of the Codes. Each new edition shall incorporate the results of the code development activity since the last edition.
- 2.3 **Supplements:** The results of code development activity between editions may be published.
- 2.4 **Emergency Procedures:** In the event that the ICC Board determines that an emergency amendment to any Code is warranted, the same may be adopted by the ICC Board. Such action shall require an affirmative vote of at least two-thirds of the ICC Board.

The ICC membership shall be notified within ten days after the ICC Boards' official action of any emergency amendment. At the next Annual Business Meeting, any emergency amendment shall be presented to the members for ratification by a majority of the ICC Governmental Member Representatives and Honorary Members present and voting.

All code revisions pursuant to these emergency procedures and the reasons for such corrective action shall be published as soon as practicable after ICC Board action. Such revisions shall be identified as an emergency amendment.

Emergency amendments to any Code shall not be considered as a retro-active requirement to the Code. Incorporation of the emergency amendment into the adopted Code shall be subjected to the process established by the adopting authority.

3.0 Submittal of Code Change Proposals

- 3.1 **Intent:** Any interested person, persons or group may submit a code change proposal which will be duly considered when in conformance to these Rules of Procedure.
- 3.2 **Withdrawal of Proposal:** A code change proposal may be withdrawn by the proponent (WP) at any time prior to Final Action Consideration of that proposal. A withdrawn code change proposal shall not be subject to a public hearing, motions, or Final Action Consideration.
- 3.3 **Form and Content of Code Change Submittals:** Each code change proposal shall be submitted separately and shall be complete in itself. Each submittal shall contain the following information:
 - 3.3.1 **Proponent:** Each code change proposal shall include the name, title, mailing address, telephone number, and email address of the proponent.
 - 3.3.1.1 If a group, organization or committee submits a code change proposal, an individual with prime responsibility shall be indicated.
 - 3.3.1.2 If a proponent submits a code change on behalf of a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated.
 - 3.3.2 **Code Reference:** Each code change proposal shall relate to the applicable code sections(s) in the latest edition of the Code.
 - 3.3.2.1 If more than one section in the Code is affected by a code change proposal, appropriate proposals shall be included for all such affected sections.
 - 3.3.2.2 If more than one Code is affected by a code change proposal, appropriate proposals shall be included for all such affected Codes and appropriate cross referencing shall be included in the supporting information.
 - 3.3.3 **Multiple code change proposals to a code section.** A proponent shall not submit multiple code change proposals to the same code section. When a proponent submits multiple code change proposals to the same section, the proposals shall be considered as incomplete proposals and processed in accordance with Section 4.3. This restriction shall not apply to code change proposals that attempt to address differing subject matter within a code section.
 - 3.3.4 **Text Presentation:** The text proposal shall be presented in the specific wording desired with deletions shown struck out with a single line and additions shown underlined with a single line.

- 3.3.4.1 A charging statement shall indicate the referenced code section(s) and whether the proposal is intended to be an addition, a deletion or a revision to existing Code text.
 - 3.3.4.2 Whenever practical, the existing wording of the text shall be preserved with only such deletions and additions as necessary to accomplish the desired change.
 - 3.3.4.3 Each proposal shall be in proper code format and terminology.
 - 3.3.4.4 Each proposal shall be complete and specific in the text to eliminate unnecessary confusion or misinterpretation.
 - 3.3.4.5 The proposed text shall be in mandatory terms.
- 3.3.5 **Supporting Information:** Each code change proposal shall include sufficient supporting information to indicate how the proposal is intended to affect the intent and application of the Code.
- 3.3.5.1 **Purpose:** The proponent shall clearly state the purpose of the proposed code change (e.g. clarify the Code; revise outdated material; substitute new or revised material for current provisions of the Code; add new requirements to the Code; delete current requirements, etc.)
 - 3.3.5.2 **Reasons:** The proponent shall justify changing the current Code provisions, stating why the proposal is superior to the current provisions of the Code. Proposals which add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code provisions are inadequate or overly restrictive, specifies the shortcomings of the current Code provisions and explains how such proposals will improve the Code.
 - 3.3.5.3 **Substantiation:** The proponent shall substantiate the proposed code change based on technical information and substantiation. Substantiation provided which is reviewed in accordance with Section 4.2 and determined as not germane to the technical issues addressed in the proposed code change shall be identified as such. The proponent shall be notified that the proposal is considered an incomplete proposal in accordance with Section 4.3 and the proposal shall be held until the deficiencies are corrected. The proponent shall have the right to appeal this action in accordance with the policy of the ICC Board. The burden of providing substantiating material lies with the proponent of the code change proposal.
 - 3.3.5.4 **Bibliography:** The proponent shall submit a bibliography of any substantiating material submitted with the code change proposal. The bibliography shall be published with the code change and the proponent shall make the substantiating materials available for review at the appropriate ICC office and during the public hearing.
 - 3.3.5.5 **Copyright Release:** The proponent of code change proposals, floor modifications and public comments shall sign a copyright release reading: "I hereby grant and assign to ICC all rights in copyright I may have in any authorship contributions I make to ICC in connection with any proposal and public comment, in its original form submitted or revised form, including written and verbal modifications submitted in accordance Section 5.5.2. I understand that I will have no rights in any ICC publications that use such contributions in the form submitted by me or another similar form and certify that such contributions are not protected by the copyright of any other person or entity."
 - 3.3.5.6 **Cost Impact:** The proponent shall indicate one of the following regarding the cost impact of the code change proposal: 1) the code change proposal will increase the cost of construction; or 2) the code change proposal will not increase the cost of construction. This information will be included in the published code change proposal.
- 3.4 **Number:** One copy of each code change proposal, two copies of each proposed new referenced standard and one copy of all substantiating information shall be submitted. Additional copies may be requested when determined necessary by the Secretariat to allow such information to be distributed to the code development committee. Where such additional copies are requested, it shall be the responsibility of the proponent to send such copies to the respective code development committee. A copy of the code change proposal in electronic form is preferred.
- 3.5 **Submittal Deadline:** Each code change proposal shall be received at the office of the Secretariat by the posted deadline. Such posting shall occur no later than 120 days prior to the code change deadline. The submitter of a proposed code change is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.
- 3.6 **Referenced Standards:** In order for a standard to be considered for reference or to continue to be referenced by the Codes, a standard shall meet the following criteria:

3.6.1 Code References:

- 3.6.1.1** The standard, including title and date, and the manner in which it is to be utilized shall be specifically referenced in the Code text.
- 3.6.1.2** The need for the standard to be referenced shall be established.

3.6.2 Standard Content:

- 3.6.2.1** A standard or portions of a standard intended to be enforced shall be written in mandatory language.
- 3.6.2.2** The standard shall be appropriate for the subject covered.
- 3.6.2.3** All terms shall be defined when they deviate from an ordinarily accepted meaning or a dictionary definition.
- 3.6.2.4** The scope or application of a standard shall be clearly described.
- 3.6.2.5** The standard shall not have the effect of requiring proprietary materials.
- 3.6.2.6** The standard shall not prescribe a proprietary agency for quality control or testing.
- 3.6.2.7** The test standard shall describe, in detail, preparation of the test sample, sample selection or both.
- 3.6.2.8** The test standard shall prescribe the reporting format for the test results. The format shall identify the key performance criteria for the element(s) tested.
- 3.6.2.9** The measure of performance for which the test is conducted shall be clearly defined in either the test standard or in Code text.
- 3.6.2.10** The standard shall not state that its provisions shall govern whenever the referenced standard is in conflict with the requirements of the referencing Code.
- 3.6.2.11** The preface to the standard shall announce that the standard is promulgated according to a consensus procedure.

3.6.3 Standard Promulgation:

- 3.6.3.1** Code change proposals with corresponding changes to the code text which include a reference to a proposed new standard or a proposed update of an existing referenced shall comply with this section. The standard shall be completed and readily available prior to Final Action Consideration based on the cycle of code development which includes the proposed code change proposal. In order for a new standard to be considered for reference by the Code, such standard shall be submitted in at least a consensus draft form in accordance with Section 3.4. Updating of standards without corresponding code text changes shall be accomplished administratively in accordance with Section 4.5.
- 3.6.3.2** The standard shall be developed and maintained through a consensus process such as ASTM or ANSI.

4.0 Processing of Proposals

- 4.1 Intent:** The processing of code change proposals is intended to ensure that each proposal complies with these Rules of Procedure and that the resulting published proposal accurately reflects that proponent's intent.
- 4.2 Review:** Upon receipt in the Secretariat's office, the code change proposals will be checked for compliance with these Rules of Procedure as to division, separation, number of copies, form, language, terminology, supporting statements and substantiating data. Where a code change proposal consists of multiple parts which fall under the maintenance responsibilities of different code committees, the Secretariat shall determine the code committee responsible for determining the committee action in accordance with Section 5.6.
- 4.3 Incomplete Proposals:** When a code change proposal is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the Secretariat shall notify the proponent of the specific deficiencies and the proposal shall be held until the deficiencies are corrected, with a final date set for receipt of a corrected submittal. If the Secretariat receives the corrected proposal after the final date, the proposal shall be held over until the next code development cycle. Where there are otherwise no deficiencies addressed by this section, a proposal that incorporates a new referenced standard shall be processed with an analysis of referenced standard's compliance with the criteria set forth in Section 3.6.
- 4.4 Editorial:** The Chief Executive Officer shall have the authority at all times to make editorial and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. An editorial or format change is a text change that does not affect the scope or application of the code requirements.

4.5 Updating Standards:

4.5.1 Standards referenced in the 2012 Edition of the I-Codes: The updating of standards referenced by the Codes shall be accomplished administratively by the Administrative code development committee in accordance with these full procedures except that the deadline for availability of the updated standard and receipt by the Secretariat shall be December 1, 2011. The published version of the 2012 Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the deadline, the edition of the standard as referenced by the newly published Code shall revert back to the reference contained in the previous edition and an errata to the Code issued. Multiple standards to be updated may be included in a single proposal.

4.5.2 Standards referenced in the 2015 Edition and following Editions of the I-Codes: The updating of standards referenced by the Codes shall be accomplished administratively by the Administrative code development committee in accordance with these full procedures except that multiple standards to be updated may be included in a single proposal. The standard shall be completed and readily available prior to Final Action Consideration of the Administrative code change proposal which includes the proposed update.

4.6 Preparation: All code change proposals in compliance with these procedures shall be prepared in a standard manner by the Secretariat and be assigned separate, distinct and consecutive numbers. The Secretariat shall coordinate related proposals submitted in accordance with Section 3.3.2 to facilitate the hearing process.

4.7 Publication: All code change proposals shall be posted on the ICC website at least 30 days prior to the public hearing on those proposals and shall constitute the agenda for the public hearing. Code change proposals which have not been published shall not be considered.

5.0 Public Hearing

5.1 Intent: The intent of the public hearing is to permit interested parties to present their views including the cost and benefits on the code change proposals on the published agenda. The code development committee will consider such comments as may be presented in the development of their action on the disposition of such proposals. At the conclusion of the code development committee deliberations, the committee action on each code change proposal shall be placed before the hearing assembly for consideration in accordance with Section 5.7.

5.2 Committee: The Code Development Committees shall be appointed by the applicable ICC Council.

5.2.1 Chairman/Moderator: The Chairman and Vice-Chairman shall be appointed by the Steering Committee on Councils from the appointed members of the committee. The ICC President shall appoint one or more Moderators who shall act as presiding officer for the public hearing.

5.2.2 Conflict of Interest: A committee member shall withdraw from and take no part in those matters with which the committee member has an undisclosed financial, business or property interest. The committee member shall not participate in any committee discussion on the matter or any committee vote. Violation thereof shall result in the immediate removal of the committee member from the committee. A committee member who is a proponent of a proposal shall not participate in any committee discussion on the matter or any committee vote. Such committee member shall be permitted to participate in the floor discussion in accordance with Section 5.5 by stepping down from the dais.

5.2.3 Representation of Interest: Committee members shall not represent themselves as official or unofficial representatives of the ICC except at regularly convened meetings of the committee.

5.2.4 Committee Composition: The committee may consist of representation from multiple interests. A minimum of thirty-three and one-third percent (33.3%) of the committee members shall be regulators.

5.3 Date and Location: The date and location of each public hearing shall be announced not less than 60 days prior to the date of the public hearing.

5.4 General Procedures: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the public hearing except as a specific provision of these Rules of Procedure may otherwise dictate. A quorum shall consist of a majority of the voting members of the committee.

- 5.4.1 Chair Voting:** The Chairman of the committee shall vote only when the vote cast will break a tie vote of the committee.
- 5.4.2 Open Meetings:** Public hearings of the Code Development Committees are open meetings. Any interested person may attend and participate in the Floor Discussion and Assembly Consideration portions of the hearing. Only eligible voters (see Section 5.7.4) are permitted to vote on Assembly Considerations. Only Code Development Committee members may participate in the Committee Action portion of the hearings (see Section 5.6).
- 5.4.3 Presentation of Material at the Public Hearing:** Information to be provided at the hearing shall be limited to verbal presentations and modifications submitted in accordance with Section 5.5.2. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 3.3.4.4 and other material submitted in response to a code change proposal shall be located in a designated area in the hearing room and shall not be distributed to the code development committee at the public hearing.
- 5.4.4 Agenda Order:** The Secretariat shall publish an agenda for each public hearing, placing individual code change proposals in a logical order to facilitate the hearing. Any public hearing attendee may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together, and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a 2/3 vote of those present and voting.
- 5.4.5 Reconsideration:** There shall be no reconsideration of a proposed code change after it has been voted on by the committee in accordance with Section 5.6; or, in the case of assembly consideration, there shall be no reconsideration of a proposed code change after it has been voted on by the assembly in accordance with Section 5.7.
- 5.4.6 Time Limits:** Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.
- 5.4.6.1 Time Keeping:** Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. The Moderator shall maintain appropriate decorum during all testimony.
- 5.4.6.2 Proponent Testimony:** The Proponent is permitted to waive an initial statement. The Proponent shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where the code change proposal is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to be allotted additional time for rebuttal.
- 5.4.7 Points of Order:** Any person participating in the public hearing may challenge a procedural ruling of the Moderator or the Chairman. A majority vote of the eligible voters as determined in Section 5.7.4 shall determine the decision.
- 5.5 Floor Discussion:** The Moderator shall place each code change proposal before the hearing for discussion by identifying the proposal and by regulating discussion as follows:
- 5.5.1 Discussion Order:**
1. *Proponents.* The Moderator shall begin by asking the proponent and then others in support of the proposal for their comments.
 2. *Opponents.* After discussion by those in support of a proposal, those opposed hereto, if any, shall have the opportunity to present their views.
 3. *Rebuttal in support.* Proponents shall then have the opportunity to rebut points raised by the opponents.
 4. *Rerebuttal in opposition.* Opponents shall then have the opportunity to respond to the proponent's rebuttal.
- 5.5.2 Modifications:** Modifications to proposals may be suggested from the floor by any person participating in the public hearing. The person proposing the modification is deemed to be the proponent of the modification.

5.5.2.1 Submission and Written Copies. All modifications must be written, unless determined by the Chairman to be either editorial or minor in nature. The modification proponent shall provide 20 copies to the Secretariat for distribution to the committee.

5.5.2.2 Criteria. The Chairman shall rule proposed modifications in or out of order before they are discussed on the floor. A proposed modification shall be ruled out of order if it:

1. is not legible, unless not required to be written in accordance with Section 5.5.2.1; or
2. changes the scope of the original proposal; or
3. is not readily understood to allow a proper assessment of its impact on the original proposal or the code.

The ruling of the Chairman on whether or not the modification is in or out of order shall be final and is not subject to a point of order in accordance with Section 5.4.7.

5.5.2.3 Testimony. When a modification is offered from the floor and ruled in order by the Chairman, a specific floor discussion on that modification is to commence in accordance with the procedures listed in Section 5.5.1.

5.6 Committee Action: Following the floor discussion of each code change proposal, one of the following motions shall be made and seconded by members of the committee.

1. Approve the code change proposal as submitted (AS) or
2. Approve the code change proposal as modified with specific modifications (AM), or
3. Disapprove the code change proposal (D)

Discussion on this motion shall be limited to Code Development Committee members. If a committee member proposes a modification which had not been proposed during floor discussion, the Chairman shall rule on the modification in accordance with Section 5.5.2.2. If a committee member raises a matter of issue, including a proposed modification, which has not been proposed or discussed during the floor discussion, the Moderator shall suspend the committee discussion and shall reopen the floor discussion for comments on the specific matter or issue. Upon receipt of all comments from the floor, the Moderator shall resume committee discussion.

The Code Development Committee shall vote on each motion with the majority dictating the committee's action. Committee action on each code change proposal shall be completed when one of the motions noted above has been approved. Each committee vote shall be supported by a reason.

The Code Development Committee shall maintain a record of its proceedings including the action on each code change proposal.

5.7 Assembly Consideration: At the conclusion of the committee's action on a code change proposal and before the next code change proposal is called to the floor, the Moderator shall ask for a motion from the public hearing attendees who may object to the committee's action. If a motion in accordance with Section 5.7.1 is not brought forward on the committee's action, the results of the public hearing shall be established by the committee's action. If a motion in accordance with Section 5.7.1 is brought forward and

is sustained in accordance with Section 5.7.3, both the committee's action and the assemblies' action shall be reported as the results of the public hearing. Where a motion is sustained in accordance with Section 5.7.3, such action shall be the initial motion considered at Final Action Consideration in accordance with Section 7.3.8.2.

5.7.1 Floor Motion: Any attendee may raise an objection to the committee's action in which case the attendee will be able to make a motion to:

1. Approve the code change proposal as submitted from the floor (ASF), or
2. Approve the code change proposal as modified from the floor (AMF) with a specific modification that has been previously offered from the floor and ruled in order by the Chairman during floor discussion (see Section 5.5.2) or has been offered by a member of the Committee and ruled in order by the Chairman during committee discussion (see Section 5.6), or
3. Disapprove the code change proposal from the floor (DF).

- 5.7.2 Discussion:** On receipt of a second to the floor motion, the Moderator shall place the motion before the assembly for a vote. No additional testimony shall be permitted.
- 5.7.3 Assembly Action:** The assembly action shall be in accordance with the following majorities based on the number of votes cast by eligible voters (See 5.7.4).

Committee Action	Desired Assembly Action		
	ASF	AMF	DF
AS	--	2/3 Majority	2/3 Majority
AM	2/3 Majority	2/3 Majority	2/3 Majority
D	2/3 Majority	2/3 Majority	--

- 5.7.4 Eligible Voters:** All members of ICC in attendance at the public hearing shall be eligible to vote on floor motions. Only one vote authorized for each eligible attendee. Code Development Committee members shall be eligible to vote on floor motions. Application, whether new or updated, for ICC membership must be received by the Code Council ten days prior to the commencement of the first day of the public hearing.

- 5.8 Report of the Public Hearing:** The results of the public hearing, including committee action and successful assembly action, shall be posted on the ICC website not less than 60 days prior to Final Action Consideration except as approved by the ICC Board.

6.0 Public Comments

- 6.1 Intent:** The public comment process gives attendees at the Final Action Hearing an opportunity to consider specific objections to the results of the public hearing and more thoughtfully prepare for the discussion for Final Action Consideration. The public comment process expedites the Final Action Consideration at the Final Action Hearing by limiting the items discussed to the following:
- 6.1.1** Consideration of items for which a public comment has been submitted; and
 - 6.1.2** Consideration of items which received a successful assembly action at the public hearing.
- 6.2 Deadline:** The deadline for receipt of a public comment to the results of the public hearing shall be announced at the public hearing but shall not be less than 30 days from the availability of the report of the results of the public hearing (see Section 5.8).
- 6.3 Withdrawal of Public Comment:** A public comment may be withdrawn by the public commenter at any time prior to Final Action Consideration of that comment. A withdrawn public comment shall not be subject to Final Action Consideration. If the only public comment to a code change proposal is withdrawn by the public commenter prior to the vote on the consent agenda in accordance with Section 7.3.4, the proposal shall be considered as part of the consent agenda. If the only public comment to a code change proposal is withdrawn by the public commenter after the vote on the consent agenda in accordance with Section 7.3.4, the proposal shall continue as part of the individual consent agenda in accordance with Section 7.3.5, however the public comment shall not be subject to Final Action Consideration.
- 6.4 Form and Content of Public Comments:** Any interested person, persons, or group may submit a public comment to the results of the public hearing which will be considered when in conformance to these requirements. Each public comment to a code change proposal shall be submitted separately and shall be complete in itself. Each public comment shall contain the following information:
- 6.4.1 Public comment:** Each public comment shall include the name, title, mailing address, telephone number and email address of the public commenter. If group, organization, or committee submits a public comment, an individual with prime responsibility shall be indicated. If a public comment is submitted on behalf a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated. The scope of the public comment shall be consistent with the scope of the original code change proposal, committee action or successful assembly action. Public comments which are determined as not within the scope of the code change proposal, committee action or successful assembly action shall be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 6.5.1 and the public comment shall be held until the deficiencies are corrected. A copyright release in accordance with Section 3.3.4.5 shall be provided with the public comment.

- 6.4.2 Code Reference:** Each public comment shall include the code change proposal number and the results of the public hearing, including successful assembly actions, on the code change proposal to which the public comment is directed.
- 6.4.3 Multiple public comments to a code change proposal.** A proponent shall not submit multiple public comments to the same code change proposal. When a proponent submits multiple public comments to the same code change proposal, the public comments shall be considered as incomplete public comments and processed in accordance with Section 6.5.1. This restriction shall not apply to public comments that attempt to address differing subject matter within a code section.
- 6.4.4 Desired Final Action:** The public comment shall indicate the desired final action as one of the following:
1. Approve the code change proposal as submitted (AS), or
 2. Approve the code change proposal as modified (AM) by one or more specific modifications published in the Results of the Public Hearing or published in a public comment, or
 3. Disapprove the code change proposal (D)
- 6.4.5 Supporting Information:** The public comment shall include in a statement containing a reason and justification for the desired final action on the code change proposal. Reasons and justification which are reviewed in accordance with Section 6.4 and determined as not germane to the technical issues addressed in the code change proposal or committee action shall be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 6.5.1 and the public comment shall be held until the deficiencies are corrected. The public commenter shall have the right to appeal this action in accordance with the policy of the ICC Board. A bibliography of any substantiating material submitted with a public comment shall be published with the public comment and the substantiating material shall be made available at the Final Action Hearing.
- 6.4.6 Number:** One copy of each public comment and one copy of all substantiating information shall be submitted. Additional copies may be requested when determined necessary by the Secretariat. A copy of the public comment in electronic form is preferred.

6.5 Review: The Secretariat shall be responsible for reviewing all submitted public comments from an editorial and technical viewpoint similar to the review of code change proposals (See Section 4.2).

6.5.1 Incomplete Public Comment: When a public comment is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the public comment shall not be processed. The Secretariat shall notify the public commenter of the specific deficiencies and the public comment shall be held until the deficiencies are corrected, or the public comment shall be returned to the public commenter with instructions to correct the deficiencies with a final date set for receipt of the corrected public comment.

6.5.2 Duplications: On receipt of duplicate or parallel public comments, the Secretariat may consolidate such public comments for Final Action Consideration. Each public commenter shall be notified of this action when it occurs.

6.5.3 Deadline: Public comments received by the Secretariat after the deadline set for receipt shall not be published and shall not be considered as part of the Final Action Consideration.

6.6 Publication: The public hearing results on code change proposals that have not been public commented and the code change proposals with public commented public hearing results and successful assembly actions shall constitute the Final Action Agenda. The Final Action Agenda shall be posted on the ICC website at least 30 days prior to Final Action consideration.

7.0 Final Action Consideration

7.1 Intent: The purpose of Final Action Consideration is to make a final determination of all code change proposals which have been considered in a code development cycle by a vote cast by eligible voters (see Section 7.4).

7.2 Agenda: The final action consent agenda shall be comprised of proposals which have neither an assembly action nor public comment. The agenda for public testimony and individual consideration shall be comprised of proposals which have a successful assembly action or public comment (see Sections 5.7 and 6.0).

7.3 Procedure: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Final Action Consideration except as these Rules of Procedure may otherwise dictate.

- 7.3.1 Open Meetings:** Public hearings for Final Action Consideration are open meetings. Any interested person may attend and participate in the Floor Discussion.
- 7.3.2 Agenda Order:** The Secretariat shall publish an agenda for Final Action Consideration, placing individual code change proposals and public comments in a logical order to facilitate the hearing. The proponents or opponents of any proposal or public comment may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a 2/3 vote of those present and voting.
- 7.3.3 Presentation of Material at the Public Hearing:** Information to be provided at the hearing shall be limited to verbal presentations. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 6.4.4 and other material submitted in response to a code change proposal or public comment shall be located in a designated area in the hearing room.
- 7.3.4 Final Action Consent Agenda:** The final action consent agenda (see Section 7.2) shall be placed before the assembly with a single motion for final action in accordance with the results of the public hearing. When the motion has been seconded, the vote shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes cast by eligible voters shall decide the motion.
- 7.3.5 Individual Consideration Agenda:** Upon completion of the final action consent vote, all proposed changes not on the final action consent agenda shall be placed before the assembly for individual consideration of each item (see Section 7.2).
- 7.3.6 Reconsideration:** There shall be no reconsideration of a proposed code change after it has been voted on in accordance with Section 7.3.8.
- 7.3.7 Time Limits:** Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.
- 7.3.7.1 Time Keeping:** Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. The Moderator shall maintain appropriate decorum during all testimony.
- 7.3.8 Discussion and Voting:** Discussion and voting on proposals being individually considered shall be in accordance with the following procedures:
- 7.3.8.1 Allowable Final Action Motions:** The only allowable motions for final action are Approval as Submitted, Approval as Modified by one or more modifications published in the Final Action Agenda, and Disapproval.
- 7.3.8.2 Initial Motion:** The Code Development Committee action shall be the initial motion considered, unless there was a successful assembly action in accordance with Section 5.7.3. If there was a successful assembly action, it shall be the initial motion considered. If the assembly action motion fails, the code development committee action shall become the next motion considered.
- 7.3.8.3 Motions for Modifications:** Whenever a motion under consideration is for Approval as Submitted or Approval as Modified, a subsequent motion and second for a modification published in the Final Action Agenda may be made (see Section 6.4.3). Each subsequent motion for modification, if any, shall be individually discussed and voted before returning to the main motion. A two-thirds majority based on the number of votes cast by eligible voters shall be required for a successful motion on all modifications.
- 7.3.8.4 Voting:** After dispensing with all motions for modifications, if any, and upon completion of discussion on the main motion, the Moderator shall then ask for the vote on the main motion. If the motion fails to receive the majority required in Section 7.5, the Moderator shall ask for a new motion.
- 7.3.8.5 Subsequent Motion:** If the initial motion is unsuccessful, a motion for one of the other allowable final actions shall be made (see Section 7.3.8.1) and dispensed with until a successful final action is achieved. If a successful final action is not achieved, Section 7.5.1 shall apply.

7.3.9 Proponent testimony: The Proponent of a public comment is permitted to waive an initial statement. The Proponent of the public comment shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where a public comment is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to waive an initial statement.

7.3.10 Points of Order: Any person participating in the public hearing may challenge a procedural ruling of the Moderator. A majority vote of the eligible voters as determined in Section 5.7.4 shall determine the decision.

7.4 Eligible voters: ICC Governmental Member Representatives and Honorary Members in attendance at the Final Action Hearing shall have one vote per eligible attendee on all International Codes. Applications, whether new or updated, for governmental member voting representative status must be received by the Code Council ten days prior to the commencement of the first day of the Final Action Hearing in order for any designated representative to be eligible to vote.

7.5 Majorities for Final Action: The required voting majority based on the number of votes cast of eligible voters shall be in accordance with the following table:

Public Hearing Action (see note)	Desired Final Action		
	AS	AM	D
AS	Simple Majority	2/3 Majority	Simple Majority
AM	2/3 Majority	Simple Majority to sustain the Public Hearing Action or; 2/3 Majority on additional modifications and 2/3 on overall AM	Simple Majority
D	2/3 Majority	2/3 Majority	Simple Majority

Note: The Public Hearing Action includes the committee action and successful assembly action.

7.5.1 Failure to Achieve Majority Vote: In the event that a code change proposal does not receive any of the required majorities for final action in Section 7.5, final action on the code change proposal in question shall be disapproval.

7.6 Publication: The Final action on all proposed code changes shall be published as soon as practicable after the determination of final action. The exact wording of any resulting text modifications shall be made available to any interested party.

8.0 Appeals

8.1 Right to Appeal: Any person may appeal an action or inaction in accordance with CP-1.

2009/2010 ICC CODE DEVELOPMENT CYCLE CROSS INDEX OF PROPOSED CODE CHANGES

Some of the proposed code changes include sections that are outside of the scope of the chapters or the code listed in the table of 2009/2010 Staff Secretaries on page ix. This is done in order to facilitate coordination among the International Codes which is one of the fundamental principles of the International Codes.

Listed in this cross index are proposed code changes that include sections of codes or codes other than those listed on page ix. For example, IBC Section 402.16.5 is proposed for revision in Part II of code change F58-09/10, which is to be heard by the IFC Committee. This section of the IBC is typically the responsibility of the IBC General Committee as listed in the table of 2009/2010 Staff Secretaries. It is therefore identified in this cross index. Another example is Section 905.4 of the International Fire Code. The International Fire Code is normally maintained by the IFC Committee, but Section 905.4 will be considered for revision in proposed code change G31-09/10 and will be placed on the IBC General Committee agenda. In some instances, there are other subsections that are revised by an identified code change that is not included in the cross index. For example, numerous sections in Chapter 10 of the International Fire Code would be revised by the proposed changes to Chapter 10 of the IBC. This was done to keep the cross index brief enough for easy reference.

This information is provided to assist users in locating all of the proposed code changes that would affect a certain section or chapter. For example, to find all of the proposed code changes that would affect Chapter 7 of the IBC, review the proposed code changes in the Volume 1 monograph for the IBC Fire Safety Committee (listed with a FS prefix) then review this cross reference for Chapter 7 of the IBC for proposed code changes published in other code change groups. While care has been taken to be accurate, there may be some omissions in this list.

Letter prefix: Each proposed change number has a letter prefix that will identify where the proposal is published. The letter designations for proposed changes and the corresponding publications are as follows:

PREFIX	PROPOSED CHANGE GROUP (see monograph table of contents for location)
ADM	Administrative
E	International Building Code - Means of Egress
EB	International Existing Building Code
EC	International Energy Conservation Code
F	International Fire Code
FG	International Fuel Gas Code
FS	International Building Code - Fire Safety
G	International Building Code - General
M	International Mechanical Code
PC	ICC Performance Code
P	International Plumbing Code
PSD	International Private Sewage Disposal Code
PM	International Property Maintenance Code
RB	International Residential Code - Building
RE	International Residential Code - Energy
RM	International Residential Code - Mechanical
RP	International Residential Code - Plumbing
S	International Building Code - Structural
WUIC	International Wildland-Urban Interface Code
Z	International Zoning Code

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707.6	E5 – Part I
707.7.1	E5 – Part I
708.1	E5 – Part I
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708.6	E5 – Part I
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R403.3.4	FS176 Part II
R404.1.2.3.6.1	FS176 Part II
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Table R601.3.1	FS147 Part II
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R606.12.3.1	S171-09/10, Part II
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R703.6.1	FS156 Part II
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R703.7.4.1	FS156 Part II
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703.12.1	FS150 Part II, FS151 Part II
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R806.1	G146 Part II
R806.2	G145 Part II
R903.2.2	S3-09/10, Part II
R903.4	S2-09/10, Part III (heard by IRC Plumbing)
R903.4.1	S2-09/10, Part III (heard by IRC Plumbing)
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R905.3.3.3	S15-09/10, Part II
R905.4.3.2 (New)	S15-09/10, Part II
R905.4.5.1 (New)	S17-09/10, Part II
R905.5.3.2 (New)	S15-09/10, Part II
R905.6.3.2 (New)	S15-09/10, Part II
R905.7.3.2 (New)	S15-09/10, Part II
R905.8.3.2 (New)	S15-09/10, Part II
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Chapter 15	ADM39
INTERNATIONAL ZONING CODE	
Chapter 1	ADM1 Part XI
101.2	ADM3
112 (New)	ADM16 Part I
Chapter 14	ADM39

2009/2010 ICC CODE DEVELOPMENT HEARING SCHEDULE

October 24 – November 11, 2009

Hilton Baltimore

Unless noted by “Start no earlier than X am/pm,” each Code Committee will begin immediately upon completion of the hearings for the prior Committee. Thus the actual start times for the various Code Committees are tentative. The hearing volume is higher than previous cycles. The schedule anticipates that the hearings will finish by the times noted as “Finish” for each track and each week.

CODE DEVELOPMENT HEARINGS: OCTOBER 24 - 31

	Saturday October 24	Sunday October 25	Monday October 26	Tuesday October 27	Wednesday October 28	Thursday October 29	Friday October 30	Saturday October 31
TRACK 1	Start 8 am IWUIC IFC End 8 pm	Start 10 am IFC End 8 pm	Start 8 am IFC IRC-Energy (Start no earlier than 1 pm) End 8 pm	Start 8 am IRC – Energy End 8 pm	Start 8 am IRC-Building (Start no earlier than 8 am) End 8 pm	Start 8 am IRC- Building End 8 pm	Start 8 am IRC – Building Admin (Start no earlier than 3 pm) End 8 pm	Start 8 am Admin Finish 3 pm
	Start 8 am IBC- Structural End 8 pm	Start 10 am IBC- Structural End 8 pm	Start 8 am IBC- Structural End 8 pm	Start 8 am IBC- Structural End 8 pm	Start 8 am IECC (Start no earlier than 8 am) End 8 pm	Start 8 am IECC End 8 pm	Start 8 am IECC End 8 pm	Start 8 am IECC Finish 8 pm

ANNUAL CONFERENCE: NOVEMBER 1 - 4

CODE DEVELOPMENT HEARINGS: NOVEMBER 4 - 11

	Wednesday November 4	Thursday November 5	Friday November 6	Saturday November 7	Sunday November 8	Monday November 9	Tuesday November 10	Wednesday November 11
TRACK 1	Start 8 am IPM/ZC IEBC IBC-Fire Safety End 5 pm	Start 8 am IBC-Fire Safety End 8 pm	Start 8 am IBC – Fire Safety IBC – General (Start no earlier than 3 pm) End 8 pm	Start 8 am IBC - General End 8 pm	Start 10 am IBC – General IBC – Egress (Start no earlier than 3 pm) End 8 pm	Start 8 am IBC - Egress End 8 pm	Start 8 am IBC - Egress End 8 pm	Start 8 am IBC - Egress Finish 12 pm
	Start 8 am IPC/IPSDC End 5 pm	Start 8 am IPC/IPSDC End 9 pm	Start 8 am IMC (Start no earlier than 8 am) End 9 pm	Start 8 am IMC IRC- Plumbing/ Mechanical (Start no earlier than 1 pm) End 9 pm	Start 10 am IRC – Plumbing/ Mechanical End 9 pm	Start 8 am IRC – Plumbing/ Mechanical IFGC (Start no earlier than 8 am) Finish 9 pm	NO HEARINGS TRACK 2 COMPLETED	

Notes:

- Hearing times may be modified at the discretion of the Chairman. Breaks will be announced.
- Proposed code changes submitted to the International Wildland-Urban Interface Code (IWUIC) to be heard by the IFC Committee.
- Proposed code changes submitted to the International Zoning (Z) and Property Maintenance (PM) Codes to be heard by the IPM/Z Committee.
- “Admin” is a new code committee who will hear changes that affect coordination of Chapter 1 of all the I-Codes, except the IRC, and referenced standards updates.

**2009/2010 PROPOSED CHANGES
TO THE INTERNATIONAL CODES**

CODE	PAGE
Administrative Provisions (All Codes)	ADM1
International Building Code	
Fire Safety	IBC-FS1
General	IBC-G1
Means of Egress	IBC-E1
Structural	IBC-S1
International Energy Conservation Code.....	EC1
International Existing Building Code	EB1
International Fuel Gas Code.....	FG1
International Fire Code	F1
International Mechanical Code	M1
International Plumbing Code	P1
International Private Sewage Disposal Code	PSD1
International Property Maintenance Code	PM1
International Residential Code	
Building/Energy	IRC-RB1
Plumbing	IRC-RP1
Mechanical	IRC-RM1
International Wildland-Urban Interface Code (To be heard by the IFC Committee).....	WUIC1
International Zoning Code (To be heard by the IPM/IZC Committee)	Z1



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TENTATIVE ORDER OF DISCUSSION

2009-2010 PROPOSED CHANGES TO THE INTERNATIONAL BUILDING CODE

ADMINISTRATIVE

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 AADM® code change proposals are not included on this list, as they are being heard by other committees. Please consult the Cross Index of Proposed Changes.

ADM1-09/10, Part I	AM19-09/10
ADM1-09/10, Part II	ADM20-09/10
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ADM1-09/10, Part IV	ADM22-09/10
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ADM1-09/10, Part VIII	
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ADM1-09/10, Part XI	
ADM2-09/10	
ADM3-09/10, Part I	
ADM4-09/10, Part I	
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ADM8-09/10, Part II	
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ADM1–09/10

Chapter 1 IBC; IEBC; IECC; IFC; IFGC; IMC; IPC; IPMC; IPSDC; IWUIC; IZC; IRC

Proponent: Lawrence Brown, CBO, National Association of Home Builders

THIS IS A 12 PART CODE CHANGE. PARTS I THROUGH XI WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART XII WILL BE HEARD BY THE IRC BUILDING AND ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC

NOTE: The template, submitted by the proponent, that all parts of the Chapter 1 revisions are formatted to, can be found at the beginning of the reason statement.

1. Revise IBC (Item 1-A) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Building Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories in height* above *grade plane in height* with a separate *means of egress* and their accessory structures shall comply with the *International Residential Code*.

101.3 Purpose Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 ~~102.5~~ Validity ~~Partial invalidity~~. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 ~~102.2~~ Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 ~~102.3~~ 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 this code.

102.3 402.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4 401-2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 402.6 Existing structures and systems. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code*, or the International Property Maintenance Code ~~or the International Fire Code~~, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

102.5.1 Historic buildings. The application of this code to historic buildings shall be in accordance with Section 3409.

102.6 404.11 Alternative materials, design, and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative ~~material, design or method of construction~~ shall be *approved* where the *building official* finds that the proposed design alternative is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

102.7 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the building official to determine compliance with codes or standards for those activities or installations within the building official's jurisdiction or responsibility.

102.9 407-3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 401.4 Referenced Other codes. The other codes listed in Sections ~~401.4.4~~ 102.11.1.1 through 102.11.1.6 ~~401.4.6~~ and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

102.11.1.1 401.4.1 Gas. The provisions of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

102.11.1.2 401.4.2 Mechanical. The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

102.11.1.3 404.4.3 Plumbing. The provisions of the *International Plumbing Code* shall apply to the installation, *alteration*, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

102.11.1.4 404.4.4 Property maintenance. The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

102.11.1.5 404.4.5 Fire prevention. The provisions of the *International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, *alteration* or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

102.11.1.6 404.4.6 Energy. The provisions of the *International Energy Conservation Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.

102.11.2 406.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 ~~General~~ ~~Creation of enforcement agency.~~ The Department of Building Safety, herein referred to as “the department,” is hereby established within the jurisdiction under the direction of ~~created and the official in charge thereof shall be known as the~~ *building official*. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy building official, ~~the~~ related technical officers, inspectors, ~~plan examiners~~ and other employees. Such employees shall have powers as delegated by the *building official*. ~~For the maintenance of existing properties, see the International Property Maintenance Code.~~

103.4 404.8 Liability. The *building official*, member of the Board of Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* ~~required by this code for the erection, and alteration, demolition, and moving of buildings and structures,~~ inspect the premises for which such *permits* have been issued, and enforce compliance with the provisions of this code.

104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure 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 structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 PERMITS

105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *building official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.2 ~~105.2.4~~ **Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 Permit not required ~~Work exempt from permit.~~ Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3. ~~for the following:~~

105.2.1 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit.

105.2.3.1 Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

105.2.5 Electrical:

105.2.5.1 Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

105.2.5.2 Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

105.2.5.3 Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

105.2.6 Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

105.2.7 Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

105.2.8 Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of ~~building safety~~ for that purpose. Such application shall:

1. Identify and describe the project work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project work.
3. Indicate the use and occupancy for which the proposed project work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 106 407.
5. State the valuation of the proposed project work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

105.3.1 ~~109.3~~ Building Permit valuations. ~~The applicant for a *permit* shall provide an estimated *permit* value at time of application.~~ *Permit* valuations required under Section 105.3(5) shall include total value of the project work, including materials and labor, for which the *permit* is being issued, such as and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the *permit* is being issued. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

~~105.3.4~~ 105.4 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed project work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable.

105.4.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

~~105.4.2~~ 107.3.3 Phased approval Conditional permits. The *building official* is authorized to issue a *permit* for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the *construction documents* for the entire project whole building, or structure have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* ~~for the foundation or other parts of a building or structure~~ shall proceed only to the point for which approval has been given, at the holder's own risk, ~~with the building operation~~ and without assurance that a *permit* for the entire project structure will be granted.

~~405.3.2~~ **105.5 Time limitation of application.** An application for a *permit* for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; ~~except that~~ The *building official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~90~~ 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~405.4~~ **105.6 Validity of permit.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. ~~The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.~~

105.7 Extension of permit. For an unexpired permit the *building official* is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~405.5~~ **105.8 Expiration of permit.** Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. ~~The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

~~405.6~~ **105.9 Suspension or revocation of permit.** The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code ~~wherever~~ whenever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

~~405.7~~ **105.10 Posting Placement of permit.** ~~The *building permit* issued permits or copy thereof shall be kept on the site of the project work until the completion of the project.~~

SECTION 106 ~~107~~ **SUBMITTAL DOCUMENTS**

~~407.4~~ **106.1 General.** Submittal documents consisting of *construction documents*, ~~statement of special inspections,~~ ~~geotechnical report~~ and other supporting data shall be submitted in two or more sets with each application for permit, and in such form and detail as required by the *building official* ~~application~~. The *building official* shall require *construction documents* shall and other data to be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require necessary additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if ~~it is found that~~ the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

106.2 ~~407.2~~ Construction documents. *Construction documents* shall be in accordance with Sections ~~407.2.4~~ 106.2.1 through 106.2.4 ~~407.2.5~~.

106.2.1 ~~407.2.4~~ Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. ~~Electronic media documents are permitted to be submitted when approved by the *building official*.~~ *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed project, and show in detail that the proposed project ~~it~~ will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *building official*. Plans shall be to scale and be on suitable material. ~~Electronic media documents are permitted to be submitted when approved by the *code official*.~~

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms “this code” or “legal” or “its equivalent” shall not be cited or used as a substitute for specific information.

106.2.2 407.5 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood elevations*; and it The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 407.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance with this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

106.2.3.2 407.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.2.3.3 407.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

106.2.3.3.1. The *construction documents* shall include manufacturer’s installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall system* which was tested, where applicable, as well as the test procedure used.

106.2.3.4 407.2.5.4 Design flood elevations. Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

106.2.4 407.3.4 Design professional in responsible charge. 407.3.4.1 General. When it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 407.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

106.4 407.3 Examination of documents. The *building official* shall examine or cause to be examined the ~~accompanying~~ submittal documents and shall ascertain by such examinations whether the ~~construction project~~ indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 407.3.4 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* and other data shall be ~~endorsed~~ *approved*, in writing or by stamp, as "APPROVED ~~Reviewed for Code Compliance.~~" One set of *construction documents* and other data so reviewed shall be retained by the *building official*. The other set(s) shall be returned to the applicant. ~~One set shall be kept at the site of the project work and shall be open to inspection by the building official or a duly authorized representative. Such approved construction documents shall not be changed, modified, or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.~~

106.6 407.4 Amended construction documents. ~~Work shall be installed in accordance with the approved construction documents and~~ Any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

106.7 407.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted *project work*, or for the period required for retention of public records ~~as required by state or local laws.~~

SECTION 107 **MODIFICATIONS, TESTING, AND APPROVAL**

107.1 404.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the *building official* shall have the authority to grant modifications for individual cases, ~~upon application of the owner or owner's representative~~, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in ~~conformance~~ compliance with the intent and purpose of this code, and that such modification does not lessen health, ~~life and fire safety~~, accessibility, ~~life and fire safety~~, or structural integrity requirements. The details of action granting modifications shall be recorded and entered in the files of the department of ~~building safety~~.

107.2 404.9 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

107.3 404.9.1 Used materials, appliances and equipment. The use of used materials ~~which that~~ meet the requirements of this code for new materials is permitted. Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the building official.

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 404.11.4 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

107.6 404.11.2 Technical assistance Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the *building official* shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. The tests, opinions, recommendations and reports shall to be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 Retention of reports. ~~Reports of~~ The technical opinions, recommendation, reports and tests results shall be retained by the *building official* for the period required for retention of public records.

SECTION 108 440 INSPECTIONS

108.1 440.1 General. Construction or work on a project for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling equipment or appliances installed to replace such existing equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

~~140.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.~~

108.2 440.3 Required inspections and testing. The *building official*, upon notification, shall make the inspections and require the tests set forth in Sections 440.3.4 108.2.1 through 108.2.4 440.3.40.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code.

108.2.1.1 440.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

108.2.1.2 440.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

108.2.1.3 440.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the *building official*.

108.2.1.4 440.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

108.2.1.5 440.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

108.2.1.6 440.3.6 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

108.2.1.7 440.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

108.2.2 440.3.8 Other inspections. In addition to the inspections specified above, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

108.2.3 440.3.9 Special inspections. For *special inspections*, see Section 1704.

108.2.4 440.3.10 Final inspection. The A final inspection shall be made after all work on the project required by the building permit is completed.

108.3 440.4 Inspection agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 440.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the *building official* when a project work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 440.6 Approval required. Work on a project shall not proceed be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate determine the portion of the project construction that is satisfactory as completed, or notify the *permit* holder or his or her authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, or concealed, or used until authorized by the *building official*.

108.6 Notice of approval. After all prescribed inspections or tests indicate the project complies with this code, a certificate of completion complying with Section 109 shall be issued by the code official.

SECTION 109 444 CERTIFICATE OF COMPLETION AND OCCUPANCY

109.1 444.4 Use and occupancy. No building, or structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, or structure, premise or portion thereof shall be made, until the *building official* has issued a certificate of completion occupancy therefor as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 441.2 Certificate issued. After the *building official* inspects ~~the building or structure~~ a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. ~~that contains~~ A certificate of completion or occupancy shall contain the following:

1. The ~~building~~ permit number.
2. The address of the ~~premises or~~ structure.
3. The name and address of the owner.
4. A description of ~~the project that portion of the structure~~ for which the certificate is issued.
5. A statement that the described ~~project portion of the structure~~ has been inspected for compliance with the requirements of this code for ~~the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the *International Building Code*.
9. The type of construction as defined in Chapter 6 of the *International Building Code*.
10. The design *occupant load*.
11. ~~If an automatic sprinkler system is~~ fire protection systems are provided, whether the ~~sprinkler system is~~ protection systems are required.
12. Any special stipulations and conditions of the ~~building~~ permit.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the *International Residential Code*.
2. The code official is shall not be required to indicate on a certificate items under Section 109.2), Items 8, 9 and 10 for the installation of equipment, appliances or systems.

109.2.1 106.2 Issuance of certificate of occupancy Posting of live loads. A certificate of occupancy ~~required by Section 111~~ shall not be issued until the floor load signs, required by Section 1607.1.1 106.1, have been installed.

109.3 441.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

109.4 441.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of ~~completion or occupancy or completion~~ issued under the provisions of this code wherever the certificate is issued in error, ~~or~~ on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof, or installation of appliance, equipment or system is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 110 445 STOP WORK ORDER

110.1 445.1 Authority. Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

110.2 445.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

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

110.3 445.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction law.

SECTION 111 444

VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *building official* without the express authorization of the *building official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *building official* without the express authorization of the *building official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 112 113 BOARD MEANS OF APPEALS

112.1 Application for appeal. Any person directly affected by a decision of the *building official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *building official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *building official* and any person whose interests are affected shall be given an opportunity to be heard.

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

112.4 Board decision. The board shall modify or reverse the decision of the *building official* by a concurring vote of a majority of the total number of appointed board members.

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the *building official*.

112.4.2 Action by building official. The *building official* shall take immediate action in accordance with the decision of the board.

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

~~**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

~~**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.~~

~~**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

SECTION 113 409 FEES

~~**113.1 409.1 Payment of fees.** A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 have been paid. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.~~

~~**113.2 409.2 Fee schedule of permit fees.** The fees for permits and other considerations shall be in accordance with as indicated in the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]~~

~~On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**113.3 409.5 Related fees.** The payment of the fee the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a *building permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.~~

~~**113.4 409.4 Work commencing before permit issuance.** Any person who commences any work on a project requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees.~~

~~**113.5 Permit extension.** The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.~~

~~**113.6 Expiration of permit.** For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.~~

~~**113.7 Stop work order.** Any person who shall continue any work on a project requiring a permit after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

~~**113.8 Reinspection fee.** A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.~~

113.9 409.6 Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The *building official* is authorized to establish a refund policy.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 416 **UNSAFE STRUCTURES, AND EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

~~**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.~~

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

116.3 Notice. If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

120.4.1 Form of notice. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 416.4 Method of service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

416.5 Restoration. The structure or equipment determined to be unsafe by the *building official* is permitted to be restored to a safe condition. To the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such repairs, *alterations*, *additions* or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 416.2 Record. The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 ~~442~~ SERVICE UTILITIES

122.1 ~~442.1~~ Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, or power, water system or sewer system to any building, structure or system that is regulated by this code for which a *permit* is required, until ~~released~~ approved by the *building official*.

122.2 ~~442.2~~ Temporary connection. The *building official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, or power, water system or sewer system.

122.3 ~~442.3~~ Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in ~~Section 401.4~~ in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2 ~~442.1 or 442.2~~. The *building official* shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 123 ~~408~~ TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES

122.1 ~~408.1~~ General. The *building official* is authorized to issue a *permit* for temporary structures and temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

122.2 ~~408.2~~ Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

122.4 ~~408.4~~ Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure, equipment, system or use to be discontinued.

408.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

SECTION 124 **MAINTENANCE**

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The *building official* shall order the owner of any premises upon which is located any structure that in the *building official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *building official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions in the IBC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit. Alterations are classified as Level

1, Level 2, and Level 3.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Acceptable to Approval by the code official or authority having jurisdiction as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been *approved* by the code official.

CERTIFICATE OF COMPLIANCE COMPLETION. A certificate stating that ~~materials and products meet specified standards or that work was done~~ the project or work for which a permit was issued has been completed in compliance with approved construction documents and the requirements of this code.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the a project necessary for obtaining a building permit.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

REGISTERED DESIGN PROFESSIONAL. An individual architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

PART II – IEBC

1. Revise IEBC (Item 1-C) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Existing Building Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code ~~the International Existing Building Code~~ shall apply to the *repair, alteration, change of occupancy, addition* and relocation of *existing buildings*, regardless of occupancy, subject to the criteria of this code.

~~**101.4 Applicability.** This code shall apply to the *repair, alteration, change of occupancy, addition* and relocation of all *existing buildings*, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2~~

101.3 Purpose Intent. The purpose intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with the minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the *repair, alteration, change of occupancy, addition*, and relocation of *existing buildings*.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity ~~**102.5 Partial invalidity.**~~ In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 ~~**102.2 Other laws.**~~ The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where in a any specific case different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 ~~**102.3 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 this code.

102.3 ~~**102.4 Referenced codes and standards.**~~ The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply govern.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

~~**102.4 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. **101.7 Appendices.** The *code official* is authorized to require rehabilitation and retrofit of buildings, structures or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted.~~

102.5 ~~**101.4.2 Existing structures and systems Buildings previously occupied.**~~ The legal occupancy or use of any building structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

102.5.1 Historic buildings. The application of this code to *historic buildings* shall be in accordance with Section 308.

102.5.1 ~~**101.4.4 Buildings not previously occupied.**~~ A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *International Building Code* or *International Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

102.6 ~~**104.11 Alternative materials, design, and methods of construction, and equipment.**~~ The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design, or method of construction shall be approved where the code official finds that the proposed design alternative is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work offered alternative is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 406.3.2 Previous approval. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 404.8 Correction of violations of other codes. *Repairs* or *alterations* mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this code unless the code requiring such *repair* or *alteration* so provides.

102.11.2 404.6 Safeguards during construction. All construction work covered in this code, including any related demolition, shall comply with the requirements of Chapter 14.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 General Creation of enforcement agency. The Department of Building Safety, herein referred to as "the department," is hereby created, ~~and the official in charge thereof shall be known as~~ established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 404.8 Liability. The *code official*, member of the Board of Appeals, ~~officer,~~ or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The *code official* shall receive applications, review construction documents, and issue permits required by this code, ~~for the erection, repair, demolition, change of occupancy, and relocation of buildings;~~ inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this code.

104.2.1 Preliminary meeting. When requested by the permit applicant or the *code official*, the *code official* shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or *change of occupancy* in order to establish the specific applicability of the provisions of this code.

Exception: *Repairs and Level 1 alterations.*

104.2.1.1 Building evaluation. The *code official* is authorized to require an *existing building* to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the *code official* if any potential nonconformance with the provisions of this code is identified.

104.3 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *code official* shall make all of the required inspections, or the *code official* shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, *dangerous*, or hazardous, the *code official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises be is unoccupied, the *code official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The *code official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 PERMITS

105.1 Permit required. Any owner or authorized agent who intends to ~~construct, enlarge, alter, repair, add to, alter, relocate, move,~~ demolish, or change the occupancy of a building or structure, or to ~~construct, erect, install, enlarge, alter, repair, install, add, alter,~~ remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *code official* and obtain the required permit for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual permit for each *alteration* to an already approved electrical, gas, mechanical, or plumbing installation, the *code official* is authorized to issue an annual permit upon application therefore to any person, firm, or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the permit.

~~105.1.2~~ **105.1.1 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of *alterations* made under such annual permit. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.

105.1.2 ~~105.2.4~~ **Emergency repairs.** Where equipment replacements and *repairs* must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 Permit not required ~~Work exempt from permit.~~ Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required in accordance with Sections 105.2.1 through 105.2.3. ~~for the following:~~

105.2.1 ~~105.2.2~~ **Repairs.** Application or notice to the *code official* is not required for ordinary *repairs* to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles and items listed in Section 105.2. Such *repairs* shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary *repairs* include *addition* to, *alteration* of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

105.2.2 ~~105.2.3~~ **Public service agencies.** A permit shall not be required for the installation, *alteration*, or *repair* of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit.

105.2.3.1 Building:

1. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and that are not part of an accessible route.
2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not over 69 inches (1753 mm) in height.

105.2.3.2 Electrical:

105.2.3.2.1 Repairs and maintenance: Minor *repair* work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

105.2.3.2.2 Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers, and antennas.

105.2.3.2.3 Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

105.2.3.4 Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

105.2.3.5 Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

105.2.3.6 Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such *repairs* do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the project work in accordance with Chapter 3 to be covered by the permit for which application is made.
2. Describe the land on which the proposed project work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or project work.
3. Indicate the use and occupancy for which the proposed project work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.3.
5. State the valuation of the proposed project work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 108.3 Building Permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations required under Section 105.3(5) shall include total value of the project work including materials and labor for which the permit is being issued, such as and electrical, gas, mechanical, plumbing equipment, and other permanent systems for which the permit is being issued. If, in the opinion of the *code official*, the valuation is underestimated on the application, the *permit* shall be denied unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building permit valuation shall be set by the *code official*.

105.3.4 105.4 Action on application. The *code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor. If the *code official* is satisfied that the proposed project work conforms to the requirements of this code and laws and ordinances applicable thereto, the *code official* shall issue a permit therefor as soon as practicable.

105.4.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

~~105.4.2 106.3.3~~ **Phased approval Conditional permits.** The *code official* is authorized to issue a permit for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit ~~for the foundation or other parts of a building~~ shall proceed only to the point for which approval has been given, at the permit holder's own risk, ~~with the building operation~~ and without assurance that a permit for the entire project structure will be granted.

~~105.3.2~~ **105.5 Time limitation of application.** An application for a permit for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; ~~except that~~ The *code official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~90~~ 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~105.4~~ **105.6 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the *code official* from requiring the correction of errors in the construction documents and other data. ~~The code official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.~~

105.7 Extension of permit. For an unexpired permit the code official is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~105.5~~ **105.8 Expiration of permit.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. ~~The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

~~105.6~~ **105.9 Suspension or revocation of permit.** The *code official* is authorized to suspend or revoke a permit issued under the provisions of this code ~~whenever~~ whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information or in violation of any ordinance or regulation or any of the provisions of this code.

~~105.7~~ **Placement** **105.10 Posting of permit.** ~~The building permit~~ Issued permits or copy thereof shall be kept on the site of the project work until the completion of the project.

SECTION 106 CONSTRUCTION SUBMITTAL DOCUMENTS

106.1 General. Submittal documents consisting of construction documents, ~~special inspection and structural observation programs, investigation and evaluation reports,~~ and other supporting data shall be submitted in ~~one~~ two or more sets with each application for a permit, and in such form and detail as required by the code official. The *code official* shall require construction documents and other data ~~shall to~~ be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require ~~additional~~ necessary construction documents to be prepared by a registered design professional.

Exception: The *code official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if ~~it is found that~~ the nature of the work applied for is such that ~~reviewing~~ review of construction documents is not necessary to obtain compliance with this code.

106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through ~~406.2.5~~ 106.2.4.

106.2.1 Information on construction documents ~~Construction documents.~~ Construction documents shall be dimensioned and drawn upon suitable material. ~~Electronic media documents are permitted to be submitted when approved by the code official.~~ Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed project, and show in detail that the proposed project it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *code official*. Plans shall be to scale and be on suitable material. ~~Electronic media documents are permitted to be submitted when approved by the code official.~~ ~~The work areas shall be shown.~~

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

~~106.2.5~~ **106.2.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. ~~and it~~ The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *code official* is authorized to waive or modify the requirement for a site plan when the application for permit is for *alteration, repair or change of occupancy*.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

~~106.2.2~~ **106.2.3.1 Fire protection system(s) shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the *International Building Code*.

~~106.2.3~~ **106.2.3.2 Means of egress.** The construction documents for *Alterations–Level 2, Alterations–Level 3, additions* and changes of occupancy shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated in every *work area* of every floor and in all affected rooms and spaces. The construction documents shall indicate any impact the alteration has on the design occupant load of the area not within the scope of the work.

106.2.4 106.2.3.3 Exterior wall envelope. Construction documents for all work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.

106.2.3.3.1 The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

~~106.6~~ **106.2.4 Design professional in responsible charge.** When it is required that documents be prepared by a registered design professional, the *code official* shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The *code official* shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

406.4 106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the *code official*.

106.3.2 Review. ~~Submittal~~ Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until ~~their~~ the deferred submittal documents have been approved by the *code official*.

406.3 106.4 Examination of documents. The *code official* shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project construction or occupancy indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

406.3.1 106.5 Approval of construction documents. When the *code official* issues a permit, the construction documents and other data shall be ~~approved~~ endorsed, in writing or by stamp as “APPROVED Reviewed for Code Compliance.” One set of construction documents and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of project work, and shall be open to inspection by the code official or a duly authorized representative. Such approved construction documents shall not be changed, modified, or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.

406.4 106.6 Amended construction documents. ~~Work shall be installed in accordance with the reviewed construction documents.~~ Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

406.5 106.7 Retention of construction documents. One set of approved construction documents shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted project, or for the period required for retention of public records.

SECTION 107 **MODIFICATIONS, TESTING, AND APPROVAL**

107.1 404.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the code official shall have the authority to grant modifications for individual cases ~~upon application of the owner or owner's representative~~, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety, accessibility, ~~life and fire safety~~, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of Building Safety.

107.1.1 404.10.4 Flood hazard areas. For *existing buildings* located in *flood hazard areas* for which *repairs, alterations* and *additions* constitute *substantial improvement*, the code official shall not grant modifications to provisions related to flood resistance unless a determination is made that:

1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render compliance with the flood-resistant construction provisions inappropriate.
2. Failure to grant the modification would result in exceptional hardship.
3. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.

5. A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood Insurance will be commensurate with the increased risk resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.

107.2 404.9 Approved materials and equipment. All materials, equipment, and devices approved by the code official shall be constructed and installed in accordance with such approval.

107.3 404.9.1 Used materials, appliances and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the code official. ~~be permitted to be reused subject to the approval of the code official.~~

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.4 404.11.4 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

107.6 Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the code official shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an approved agency.

107.6.4 Retention of reports. The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 409 INSPECTIONS

108.1 409.1 General. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling equipment or appliances installed to replace such existing equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

109.2 Preliminary inspection. ~~Before issuing a permit, the code official is authorized to examine or cause to be examined buildings and sites for which an application has been filed.~~

108.2 409.3 Required inspections. The code official, upon notification, shall make the inspections and require the tests set forth in Sections 409.3.4 108.2.1 through 108.2.4 409.3.9.

108.2.1 Specific inspections. The following are specific inspections and tests required by this code.

108.2.1.1 109.3.1 Footing or foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job.

108.2.1.2 109.3.2 Concrete slab or under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the sub floor.

108.2.1.3 109.3.3 Lowest floor elevation. For *additions* and *substantial improvements* to *existing buildings* in *flood hazard areas*, upon placement of the lowest floor, including basement and, prior to further vertical construction, the elevation documentation required in the *International Building Code* shall be submitted to the *code official*.

108.2.1.4 109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes, and ducts are approved.

108.2.1.5 109.3.5 Lath or gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

108.2.1.6 109.3.6 Fire and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

108.2.2 109.3.7 Other inspections. In addition to the inspections specified above, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of Building Safety.

108.2.3 109.3.8 Special inspections. Special inspections shall be as required in accordance with by this code, the *International Building Code* or the International Fire Code as applicable.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code* or the *International Fire Code* as applicable.

108.2.4 109.3.9 Final inspection. The A final inspection shall be made after all work on a project required by the building permit is completed.

108.3 109.4 Inspection agencies. The *code official* is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the *code official* when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for any inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 109.6 Approval required. Work on a project shall not proceed be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either indicate determine the portion of the project construction that is satisfactory as completed or shall notify the permit holder or an authorized agent of the permit holder wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, or concealed, or used until authorized by the *code official*.

108.6 Notice of approval. After all prescribed inspections or tests indicate the project complies with this code, a certificate of completion complying with Section 109 shall be issued by the code official.

SECTION 109 140
CERTIFICATE OF COMPLETION AND OCCUPANCY

109.1 140.1 Altered area use and occupancy classification change Use and occupancy. No altered area of a building, structure, or premises or portion thereof ~~and no relocated building shall be used or occupied until the code official has issued a certificate of occupancy as provided herein.~~ No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion occupancy therefor as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 140.2 Certificate issued. After the *code official* inspects ~~the a project requiring a permit building~~ and finds no violations of the provisions of this code or other laws that are enforced by the department of Building Safety, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. ~~that A certificate of completion or occupancy shall contain the following:~~

1. The ~~building~~ permit number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project that portion of the structure for which the certificate is issued.
5. A statement that the described project portion of the structure has been inspected for compliance with the requirements of this code ~~for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
6. The name of the *code official*.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with Chapter 3 the provisions of the *International Building Code*.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design occupant load ~~and any impact the alteration has on the design occupant load of the area not within the scope of the work.~~
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the ~~building~~ permit.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the International Residential Code.
2. The code official is shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 140.3 Temporary occupancy. The *code official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The *code official* shall set a time period during which the temporary certificate of occupancy is valid.

109.4 440.4 Revocation. The *code official* is authorized to, in writing, suspend or revoke a certificate of completion or occupancy or completion issued under the provisions of this code wherever the certificate is issued in error or on the basis of incorrect information supplied, or where it is determined that the building, or structure, premise, or portion thereof, or installation of appliance, equipment or system is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 110 444 STOP WORK ORDER

110.1 444.1 Authority. Whenever the *building code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a *dangerous* or unsafe manner, the *building code official* is authorized to issue a stop work order.

110.2 444.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

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

110.3 444.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction law.

SECTION 111 443 VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

443.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to *repair*, alter, extend, add, move, remove, demolish, or change the occupancy of any building or equipment regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code.

113.2 Notice of violation. The *code official* is authorized to serve a notice of violation or order on the person responsible for the *repair, alteration, extension, addition, moving, removal, demolition, or change in the occupancy* of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who *repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code* shall be subject to penalties as prescribed by law.

SECTION 112 BOARD MEANS OF APPEALS

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

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning Imminent Danger, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *code official* shall be an *ex officio* member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

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

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

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the *code official*.

112.4.2 Action by code official. The *code official* shall take immediate action in accordance with the decision of the board.

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

~~**112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

~~**112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.~~

~~**112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

SECTION 113 408 FEES

~~**113.1 408.4 Payment of fees.** A permit or an amendment to a permit shall not be issued valid until the fees prescribed in Section 113.2 by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~**113.2 Fee schedule.** The fees for permits and other considerations shall be in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]~~

~~**408.2 Schedule of permit fees.** On buildings, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing authority.~~

~~113.3~~ ~~408.5~~ **Related fees.** The payment of the fee for the construction, alteration, removal, or demolition of work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

~~113.4~~ ~~408.4~~ **Work commencing before permit issuance.** Any person who commences any work on a project requiring a permit before obtaining the necessary permits shall be subject to an additional a fee established by the building code official that shall be in addition to the required permit fees.

~~113.5~~ **Permit extension.** The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

~~113.6~~ **Expiration of permit.** For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

~~113.7~~ **Stop work order.** Any person who shall continue any work on a project requiring a permit after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

~~113.8~~ **Reinspection fee.** A reinspection of work not in compliance with this code shall be subject to a fee established by the code official that shall be in addition to the required permit fees. The fee may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

~~408.6~~ **Refunds.** The code official is authorized to establish a refund policy.

~~113.9~~ **Fee refunds.** The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 415 UNSAFE BUILDINGS STRUCTURES, AND EQUIPMENT, AND CONDITIONS

~~120.1~~ **General.** If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the code official, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

~~115.1~~ **Conditions.** Buildings, structures or equipment that are or hereafter become unsafe, shall be taken down, removed or made safe as the code official deems necessary and as provided for in this code.

~~120.1.1~~ **Notice to building official.** Abatement requiring repairs, alterations, remodeling, removing or demolition shall be referred to the building official.

~~120.1.2~~ **Unsafe structures.** An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the occupants when:

1. There are no minimum safeguards provided to protect or warn occupants in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking ventilation, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the occupants of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or premises that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

~~**115.3 Notice.** If an unsafe condition is found, the *code official* shall serve on the owner, agent, or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required *repairs* or improvements to be made to abate the unsafe condition, or that requires the unsafe building to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *code official* acceptance or rejection of the terms of the order.~~

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 115.4 Method of service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

~~**115.5 Restoration.** The building or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. To the extent that *repairs, alterations, or additions* are made or a *change of occupancy* occurs during the restoration of the building, such *repairs, alterations, additions, or change of occupancy* shall comply with the requirements of this code.~~

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 445.2 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 446 EMERGENCY MEASURES

121.1 446.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 446.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 446.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 446.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 446.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 446.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 444 SERVICE UTILITIES

122.1 444.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, ~~or power,~~ water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the *code official*.

122.2 444.2 Temporary connection. The *code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, ~~or power,~~ water system or sewer system.

122.3 444.3 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2 444.1 or 444.2. The *code official* shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 123 407 TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES

123.1 407.1 General. The *code official* is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The building code official is authorized to grant extensions for demonstrated cause.

123.2 407.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 407.4 Termination of approval. The *building code official* is authorized to terminate such permit for a temporary use and to order the temporary structure, equipment, system or use to be discontinued.

107.3 Temporary power. The *code official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

SECTION 124 **MAINTENANCE**

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 447 **DEMOLITION**

125.1 447.4 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is ~~so old,~~ *deteriorated* or dilapidated, or has become so out of *repair* as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary or to *board up and hold for future repair*, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to *board up and hold for recommencement of work*, or to demolish and remove such structure. *Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless approved by the code official.*

125.2 447.2 Notices and orders. All notices and orders shall comply with Section 111.2 443.

125.3 447.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

125.4 447.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions in the IEBC:

ALTERATION. Any construction or renovation to an existing structure other than a repair or addition that requires a permit, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit. Alterations are classified as Level 1, Level 2, and Level 3.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the International Building Code, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with approved construction documents and the requirements of this code.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REPAIR. ~~The restoration to good or sound condition~~ reconstruction or renewal of any part of an *existing building* for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART III – IECC

1. Revise IECC (Item 1-D) as follows:

CHAPTER 1 ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. ~~These regulations~~ This code shall be known as the *International Energy Conservation Code* of [NAME OF JURISDICTION], and shall be cited as such. It is referred to herein referred to as “this code.”

101.2 Scope. ~~The provisions of this code applies~~ shall apply to *residential and commercial buildings*.

101.3 Purpose Intent. ~~The purpose of this code shall is to regulate~~ establish the minimum requirements for the design and construction of buildings for the effective use of energy. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This code is not intended to abridge health, safety, health or environmental requirements contained in other applicable codes or ordinances.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

~~**101.5 Validity** 105.1 General.~~ If a portion of this code is held to be illegal or void, such a decision shall not affect the validity of the remainder of this code. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

~~**101.6** 406.4 Other laws.~~ The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY ~~ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS~~

~~**102.1 General** 401.4 Applicability.~~ Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable govern. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

~~**102.2** 406.3 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 this code.

102.3 Referenced codes and standards ~~106.1 General.~~ The codes and standards referenced in this code shall be those listed in Chapter 6, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~106.2 Conflicting requirements.~~ Where the differences occur between the provisions of this code and the referenced codes and standards conflict, the provisions of this code shall apply take precedence.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 401.4.1 Existing buildings structures and systems. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public. Except as specified in this chapter, this code shall not be used to require the removal, alteration or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

102.5.1 401.4.2 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code.

102.6 402.1 General Alternative materials, design, methods and equipment. The provisions of this code is are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative shall be approved where the code official finds that the proposed alternative is satisfactory and complies with the intent of the provisions of this code, and that the alternative is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the code official as meeting the intent of this code.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternative involves matters regulated by the *International Building Code*.

102.7 Requirements not covered by code. Requirements necessary for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the code official.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.9 403.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 401.5 Compliance. *Residential buildings* shall meet the provisions of Chapter 4. *Commercial buildings* shall meet the provisions of Chapter 5.

102.11.2 402.1.4 Above code programs. The *code official* or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this code. The requirements identified as “mandatory” in Chapters 4 and 5 of this code, as applicable, shall be met.

102.11.3 401.5.2 Low energy buildings. The following buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with this code shall be exempt from the *building thermal envelope* provisions of this code:

1. Those with a peak design rate of energy usage less than 3.4 Btu/h-ft² (10.7 W/m²) or 1.0 watt/ft² (10.7 W/m²) of floor area for space conditioning purposes.
2. Those that do not contain *conditioned space*.

102.11.4 401.4.3 Additions, alterations, renovations or repairs. Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate *conditioned space* from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a *conditioned space* from the exterior shall not be removed,
7. Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the *alteration* does not increase the installed interior lighting power.

102.11.5 401.4.4 Change in occupancy or use. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code. Where the use in a space changes from one use in Table 505.5.2 to another use in Table 505.5.2, the installed lighting wattage shall comply with Section 505.5.

102.11.6 401.4.5 Change in space conditioning. Any nonconditioned space that is altered to become *conditioned space* shall be required to be brought into full compliance with this code.

102.11.7 401.4.6 Mixed occupancy. Where a building includes both *residential* and *commercial* occupancies, each occupancy shall be separately considered and meet the applicable provisions of Chapter 4 for *residential* and Chapter 5 for *commercial*.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 **DEPARTMENT OF ENERGY CONSERVATION INSPECTION**

103.1 General. The Department of Energy Conservation Inspection, herein referred to as “the department,” is hereby established within the jurisdiction under the direction of the *code official*. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The *code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 **DUTIES AND POWERS OF CODE OFFICIAL**

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The *code official* shall receive applications, review *construction documents*, issue *permits* required by this code, inspect the premises for which such *permits* have been issued, and enforce compliance with the provisions of this code.

104.3 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *code official* shall make all of the required inspections, or the *code official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the *code official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *code official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

104.6.1 Warrant. When the *code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the *code official* for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The *code official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 **PERMITS**

105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *code official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 Permit not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the *code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.*

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS EXEMPT FROM PERMITS FOR THIS CODE]

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other information as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. Permit valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

105.4 Action on application. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.4.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 103.3.3 Phased approval Conditional permits. The code official shall have the authority is authorized to issue a permit for the construction or operation of part of an energy conservation system the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed only to the point for which approval has been given, at their the permit holder's own risk, and without assurance that the a permit for the entire project energy conservation system will be granted.

105.4.2 Conditional permits. The code official shall have the authority to issue a permit for the construction or operation of part of a project before the construction documents for the entire installation have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk, and without assurance that the permit for the entire project will be granted.

105.5 Time limitation of application. An application for a permit for any proposed project shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data.

105.7 Extensions of permit. For an unexpired permit the code official is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.8 Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

105.9 Suspension or revocation of permit. The code official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.10 Posting of permit. Issued permits or copy thereof shall be kept on the site of the project until the completion of the project.

SECTION 106 103
CONSTRUCTION SUBMITTAL DOCUMENTS
REFERENCED STANDARDS

106.1 403.4 General. Submittal documents consisting of construction documents and other supporting data shall be submitted in ~~one~~ two or more sets with each application for a permit, and in such form and detail as required by the code official. The code official shall require construction documents and other data shall to be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The code official is authorized to waive the submission of requirements for construction documents or other supporting data not required to be prepared by a registered design professional if the nature of the work applied for is such that review of construction documents is if the code official determines they are not necessary to confirm obtain compliance with this code.

106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 403.2 Information on construction documents. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the code official. ~~drawn~~ Plans shall be to scale upon and be on suitable material. Electronic media documents are permitted to be submitted when approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed.

401.5.1 Compliance materials. The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 Details on construction documents shall include, but are not limited to the following, as applicable:

1. Insulation materials and their R-values;
2. Fenestration U-factors and SHGCs;
3. Area-weighted U-factor and SHGC calculations;
4. Mechanical system design criteria;
5. Mechanical and service water heating system and equipment types, sizes and efficiencies;
6. Economizer description;
7. Equipment and systems controls;
8. Fan motor horsepower (hp) and controls;
9. Duct sealing, duct and pipe insulation and location;
10. Lighting fixture schedule with wattage and control narrative; and
11. Air sealing details.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *code official*.

106.4 403.3 Examination of documents. The *code official* shall examine or cause to be examined the accompanying ~~construction~~ submittal documents and shall ascertain by such examinations whether the project ~~construction~~ indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 403.3.1 Approval of construction documents. When the *code official* issues a permit ~~where construction documents are required~~, the construction documents shall be endorsed, in writing ~~and~~ or by stamped, as "APPROVED Reviewed for Code Compliance." One set of *construction documents* and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the *code official* or a duly authorized representative. Such *approved* construction documents shall not be changed, modified or altered without authorization from the *code official*. All work shall be done in accordance with the *approved* construction documents. ~~One set of construction documents so reviewed shall be retained by the code official. The other set shall be returned to the applicant, kept at the site of work and shall be open to inspection by the code official or a duly authorized representative.~~

106.6 403.4 Amended construction documents. Any changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

106.7 403.5 Retention of construction documents. One set of *approved* construction documents shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted ~~project work~~, or for the period required for retention of public records ~~as required by state or local laws~~.

SECTION 107 MODIFICATIONS, TESTING, AND APPROVAL

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

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

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

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

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

107.6 Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the *code official* shall have the authority to require tests conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an *approved agency*.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 Retention of reports. The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 404 INSPECTIONS

108.1 404.1 General. Construction or work on a project for which a *permit* is required shall be subject to inspection by the *code official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit applicant* to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or appliances installed to replace such existing *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

~~**104.2 Required approvals.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.~~

108.2 Required inspections and testing. The *code official*, upon notification, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4.

108.2.1 Specific inspections. The following are specific inspections and tests required by this code.

108.2.1.1 Energy efficiency inspections. Inspections shall be made to determine compliance with this code and shall include, but not be limited to, inspections for envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

108.2.2 Other inspections. In addition to the inspections specified above, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 104.3 Final inspection. A final inspection shall be made after all work on a project required by the *permit* is completed. The building shall have a final inspection and not be occupied until *approved*.

104.4 Reinspection. A building shall be reinspected when determined necessary by the *code official*.

104.7 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

108.3 104.5 Approved inspection agencies. The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 104.6 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 104.8 Approval required. Work on a project shall not proceed beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either determine the portion of the project that is satisfactory as completed, or shall notify the *permit* holder or authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, concealed, or used until authorized by the *code official*.

108.6 Notice of approval. After the all prescribed tests and inspections or tests indicate that the project work complies in all respects with this code, a notice of approval certificate of completion complying with Section 109 shall be issued by the *code official*.

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

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the *code official* shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the *International Building Code*.
9. The type of construction as defined in Chapter 6 of the *International Building Code*.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the International Residential Code.
2. The *code official* shall not be required to indicate on a certificate items under Section 109.2, Items Exceptions 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The *code official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The *code official* shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 408 STOP WORK ORDER

110.1 408.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *code official* is authorized to issue a stop work order.

110.2 408.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

110.2.1 408.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

110.3 408.4 Failure to comply Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

SECTION 111 **VIOLATIONS**

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

SECTION 112 ~~409~~ **BOARD MEANS OF APPEALS**

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

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *code official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

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

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

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 Action by code official. The *code official* shall take immediate action in accordance with the decision of the board.

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

409.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

~~109.2 Limitations on authority.~~ An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

~~109.3 Qualifications.~~ The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.

SECTION 113 407 FEES

~~113.1 407.4 Payment of Fees.~~ A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 407.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

~~113.2 Fee schedule.~~ The fees for permits and other considerations shall be in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]

~~407.2 Schedule of permit fees.~~ A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

~~113.3 407.4 Related fees.~~ The payment of the fee for the construction, ~~alteration, removal or demolition~~ of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

~~113.4 407.3 Work commencing before permit issuance.~~ Any person who commences any work on a project requiring a *permit* before obtaining the necessary permits shall be subject to an additional a fee established by the *code official*, which that shall be in addition to the required permit fees.

~~113.5 Permit extension.~~ The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

~~113.6 Expiration of permit.~~ For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

~~113.7 Stop work order.~~ Any person who shall continue any work on a project requiring a permit after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

~~113.8 Reinspection fee.~~ A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

~~407.5 Refunds.~~ The *code official* is authorized to establish a refund policy.

~~113.9 Fee refunds.~~ The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 **UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance 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 natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for 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 clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 EMERGENCY MEASURES

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 SERVICE UTILITIES

122.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, power, water system or *sewer* system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the *code official*.

122.2 Temporary connection. The *code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, power, water system or *sewer* system.

122.3 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The *code official* shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 123 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

123.1 General. The code official is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

123.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 Termination of approval. The code official is authorized to terminate such permit and to order the temporary structure, equipment, system or use to be discontinued.

SECTION 124 **MAINTENANCE**

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *code official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions in the IECC:

ADDITION. An extension or increase in the ~~conditioned space~~ floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. ~~Also, a change in a mechanical~~ or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Approval by the *code official* as a result of review, investigation and or tests conducted by ~~him or her~~ the code official, or by reason of accepted principles or tests by ~~nationally recognized~~ national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been *approved* by the *code official*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with *approved construction documents* and the requirements of this code.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A *registered design professional* engaged by the owner to review and coordinate certain aspects of the project, as determined by the *building official*, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART IV – IFC

1. Revise IFC (Item 1-E) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1 - SCOPE AND APPLICATION ~~GENERAL PROVISIONS~~

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Fire Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply ~~establishes regulations affecting or relating to~~ structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems;
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.3 Purpose Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 ~~402.14~~ Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

~~402.10~~ 102.1 General Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

~~402.4~~ 102.2 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

~~402.7~~ 102.3 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4 401-2.4 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 Existing structures and systems. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the *fire code official* for the general safety and welfare of the occupants and the public.

102.5.1 402-6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the *fire code official* to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an *approved* fire protection plan.

102.6 404-9 Alternative materials, design, methods, and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. The *fire code official* is authorized to approve An alternative material or method of construction shall be *approved* where the *fire code official* finds that the proposed alternative design is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 402-9 Matters not provided for Requirements not covered by code. Requirements necessary that are essential for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health, and general welfare, of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for covered by this code, shall be determined by the *fire code official*.

102.8 402-8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *fire code official* to determine compliance with codes or standards for those activities or installations within the *fire code official's* jurisdiction or responsibility.

102.9 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and the project has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 402-4 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when required in Chapter 46.
4. Existing structures, facilities and conditions which, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

102.11.2 402.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

102.11.3 402.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the *fire code official*, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

102.11.4 402.4 Application of building code. The design and construction of new structures shall comply with the *International Building Code*, and any *alterations*, additions, changes in use or changes in structures required by this code, which are within the scope of the *International Building Code*, shall be made in accordance therewith.

102.11.5 402.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.
2. Administrative, operational and maintenance provisions: All such provisions of this code shall apply.

102.11.6 404.11.2 Obstructing operations. No *person* shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or ~~officer~~ of the fire department official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

102.11.7 404.11.3 Systems and devices. No *person* shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

102.11.8 424.6 Overcrowding. Overcrowding or admittance of any *person* beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, upon finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

102.11.9 407.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the *owner*. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

102.11.10 Fire protection of historic buildings. Fire protection in designated historic buildings and structures shall be provided in accordance with an *approved* fire protection plan.

PART 2 - ADMINISTRATION AND ENFORCEMENT ADMINISTRATIVE PROVISIONS

SECTION 103 DEPARTMENT OF FIRE PREVENTION

103.1 General. The Department of Fire Prevention, herein referred to as “the department,” is established hereby within the jurisdiction under the direction of the *fire code official*. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.2.1. Removal of fire code official. The *fire code official* shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

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

103.4 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104

DUTIES AND POWERS OF FIRE CODE OFFICIAL

GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General. The *fire code official* is hereby authorized to enforce the provisions of this code, ~~and~~ The *fire code official* shall have the authority to render interpretations of this code, and to adopt policies, ~~and~~ procedures, ~~rules and regulations~~ in order to clarify the application of its provisions. Such interpretations, policies, ~~and~~ procedures, ~~rules and regulations~~ shall be in compliance with the intent and purpose of this code. ~~and~~ Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The *fire code official* ~~is authorized to~~ shall receive applications, review *construction documents* and issue permits required by this code for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

104.5 104.3 Notices and orders. The *fire code official* ~~is authorized to~~ shall issue such notices or orders ~~as are required to affect~~ ensure compliance with this code ~~in accordance with Sections 109.1 and 109.2.~~

104.4 Inspections. The *fire code official* shall make all of the required inspections, or the *fire code official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 104.5 Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.4 104.6 Right of entry. ~~Whenever~~ Where it is necessary to make an inspection to enforce the provisions of this code, or ~~whenever~~ where the *fire code official* has reasonable cause to believe that there exists in a building structure or upon any a premises any a conditions condition or violations which is contrary to or in violation of this code which makes the building structure or premises unsafe, dangerous, or hazardous, the *fire code official* ~~shall have the authority~~ is authorized to enter the building structure or premises at all reasonable times to inspect or to perform the duties imposed upon the ~~*fire code official*~~ by this code, ~~provided that~~ if such building structure or premises is be occupied, the *fire code official* shall present that credentials be presented to the occupant and request entry requested. If such building structure or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner* or other *person* having charge or control of the building structure or premises and request entry. If entry is refused, the *fire code official* ~~has~~ shall have recourse to ~~every remedy~~ the remedies provided by law to secure entry.

104.3 104.6.1 Warrant. When the *fire code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

~~104.6 Official~~ **104.7 Department records.** The *fire code official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records, as required by Sections 104.6.1 through 104.6.4.

104.7.1 ~~104.6.1~~ Record of approvals. A record of approvals shall be maintained by the *fire code official* and shall be available for public inspection during business hours in accordance with applicable laws.

104.7.2 ~~104.6.2~~ Record of Inspections. The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.7.3 ~~104.6.3~~ Record of Fires records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

104.7.4 Retention of records. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official.

104.9.1 ~~104.6.4~~ Administrative. Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

104.9.2 ~~104.10~~ Fire investigations. The *fire code official*, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

104.9.3 ~~104.10.1~~ Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.9.4 ~~104.11~~ Authority at fires and other emergencies. The fire chief or ~~officer~~ of the fire department official in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.9.5 ~~104.11.1~~ Barricades. The fire chief or ~~officer~~ of the fire department official in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

SECTION 105 PERMITS

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.14.

105.1.1 ~~105.1~~ Permits required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *fire code official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned. Permits required by this code shall be obtained from the *fire code official*. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official*.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *fire code official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *fire code official* shall have access to such records at all times, or such records shall be filed with the *fire code official* as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *fire code official*.

105.1.3 Permits specifically required. The following specifically require a *permit*.

105.1.3.1 ~~105.3.4~~ Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.1.3.2 ~~105.1.3.2~~ **Types of permits.** There shall be two types of permits as follows:

2. 1. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section ~~405.7~~ 105.1.3.4.
4. 2. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 123 ~~405.6~~ for either:
 - 4.1. 2.1. A prescribed period.
 - 4.2. 2.2 Until renewed or revoked.

105.1.3.3 ~~105.1.3.3~~ **Permits for the same location.** When more than one permit is required for the same location, the *fire code official* is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

105.7 ~~105.1.3.4~~ **Required construction permits.** The *fire code official* is authorized to issue construction permits for work as set forth in Sections ~~405.7.4~~ 105.1.3.4 through ~~405.7.44~~ 105.1.3.4.14.

105.7.1 ~~105.1.3.4.1~~ **Automatic fire-extinguishing systems.** A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.2 ~~105.1.3.4.2~~ **Battery systems.** A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

105.7.3 ~~105.1.3.4.3~~ **Compressed gases.** When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a *compressed gas* system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.4 ~~105.1.3.4.4~~ **Cryogenic fluids.** A construction permit is required for installation of or *alteration* to outdoor stationary *cryogenic fluid* storage systems where the system capacity exceeds the amounts listed in Table 126.11 ~~405.6.10~~. Maintenance performed in accordance with this code is not considered an *alteration* and does not require a construction permit.

105.7.5 ~~105.1.3.4.5~~ **Fire alarm and detection systems and related equipment.** A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.6 105.1.3.4.6 Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.7 105.1.3.4.7 Flammable and combustible liquids. A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or *combustible liquids*.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or *combustible liquid* tank.

105.7.8 105.1.3.4.8 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 126.21 105.6-20.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.9 105.1.3.4.9 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 21.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.10 105.1.3.4.10 LP-gas. A construction permit is required for installation of or modification to an LP-gas system.

105.7.11 105.1.3.4.11 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.

105.7.12 105.1.3.4.12 Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth.

105.7.13 105.1.3.4.13 Standpipe systems. A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.14 105.1.3.4.14 Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides which comply with all of the following:
 - 3.1. Individual tents shall have a maximum size of 700 square feet (65 m²).
 - 3.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

105.2 Permit not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the *fire code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS EXEMPT FROM PERMITS FOR THIS CODE]

405.2 105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other information as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *fire code official*.

105.3.1 Permit valuations. *Permit* valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the *permit* is being issued. If, in the opinion of the *code official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building *permit* valuation shall be set by the *code official*.

Application for a permit required by this code shall be made to the *fire code official* in such form and detail as prescribed by the *fire code official*. Applications for permits shall be accompanied by such plans as prescribed by the *fire code official*.

105.3.7 Information on the permit. The *fire code official* shall issue all permits required by this code on an *approved* form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the *fire code official*. Issued permits shall bear the signature of the *fire code official* or other *approved* legal authorization.

105.4 Action on application. The *fire code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *fire code official* shall reject such application in writing, stating the reasons therefor. If the *fire code official* is satisfied that the proposed project work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the *fire code official* shall issue a permit therefor as soon as practicable.

105.4.1 Preliminary inspection. Before a permit is issued, the *fire code official* is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

105. 2.1 Refusal to issue permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the *fire code official* shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any *fire protection system* or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

105.4.2 ~~105.4.4.1~~ **Phased approval Conditional permits.** The *fire code official* is authorized to issue a permit for the construction or operation of part of a the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the *construction documents* for the entire project whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit ~~for parts of a structure, system or operation~~ shall proceed only to the point for which approval has been given, at the permit holder's own risk, ~~with the building operation and without assurance that a permit for the entire project structure, system or operation will be granted.~~

405.3 **105.5 Time limitation of application.** An application for a permit for any proposed project work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted pursued in good faith or a permit ~~shall have~~ has been issued,; ~~except that~~ The *fire code official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~90~~ 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

405.3.8 **105.6 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on *construction documents, operational documents* and other data shall not prevent the *fire code official* from requiring the correction of errors in the construction documents or other data.

405.3.6 **Compliance with code.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on *construction documents* and other data shall not prevent the *fire code official* from requiring the correction of errors in the *construction documents* and other data. ~~Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official, as evidenced by the issuance of a new or amended permit.~~

405.3.2 **105.7 Extensions of permit.** ~~A permittee holding~~ For an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. ~~the fire code official is~~ authorized to grant, in writing, one or more extensions of the time, ~~period of a permit~~ for periods of not more than 180 days each. ~~Such extensions~~ The extension shall be requested by the permit holder in writing and justifiable cause demonstrated.

105.8. Expiration of permit. ~~A construction permits~~ Every permit issued shall automatically become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained, ~~and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work,~~ The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

405.5 **105.9 Suspension or revocation of permit.** The *fire code official* is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. ~~when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:~~

- ~~1. The permit is used for a location or establishment other than that for which it was issued.~~
- ~~2. The permit is used for a condition or activity other than that listed in the permit.~~
- ~~3. Conditions and limitations set forth in the permit have been violated.~~
- ~~4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.~~
- ~~5. The permit is used by a different person or firm than the name for which it was issued.~~
- ~~6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.~~
- ~~7. The permit was issued in error or in violation of an ordinance, regulation or this code.~~

~~105.3.5~~ **105.10 Posting the permit.** Issued permits or copy thereof shall be kept on the site of the project until the completion of the project premises designated therein at all times and shall be readily available for inspection by the fire code official.

SECTION 106 SUBMITTAL DOCUMENTS

106.1 ~~105.4.1~~ **Submittals General.** Submittal documents consisting of *construction documents* and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the fire code official. The fire code official shall require *construction documents* and other data to shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the fire code official is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The fire code official is authorized to waive the submission of *construction documents* and other supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

106.2 ~~105.4~~ **Construction documents.** *Construction documents* shall be in accordance with this Sections 106.2.1 through 106.2.4.

106.2.1 ~~105.4.2~~ **Information on construction documents.** *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the fire code official. ~~drawn Plans shall be to scale upon and be on~~ suitable material. Electronic media documents are allowed permitted to be submitted when approved by the fire code official. ~~Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official.~~

105.4.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the *construction documents* include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The fire code official is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 ~~105.4.2.4~~ **Fire protection system shop drawings.** Shop drawings for the fire protections system(s) shall be submitted to indicate compliance with this code and the *construction documents* and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the fire code official shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional*

in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The fire code official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the fire code official within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the fire code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the fire code official.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the fire code official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the fire code official.

106.4 405.4.1.4 Examination of documents. The fire code official shall examine or cause to be examined the accompanying ~~construction submittal~~ documents and shall ascertain by such examinations whether the project work indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 405.4.4 Approved Approval of construction documents. When the fire code official issues a permit, the construction documents and other data shall be endorsed, in writing or by stamp, as "APPROVED." One set of construction documents and other data so reviewed shall be retained by the fire code official. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the fire code official or a duly authorized representative. Such approved construction documents shall not be changed, modified, or altered without authorization from the fire code official. All work shall be done in accordance with the approved construction documents. ~~approved by the fire code official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with this code.~~

106.6 405.4.5 Corrected Amended construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. ~~Where field conditions necessitate any substantial change from the approved construction documents, the fire code official shall have the authority to require the corrected construction documents to be submitted for approval.~~

106.7 405.4.6 Retention of construction documents. One set of approved construction documents shall be retained by the fire code official for a period of not less than 180 days from date of completion of the permitted project work, or for the period required for retention of public records as required by state or local laws. ~~One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

SECTION 107

MODIFICATIONS, TESTING, AND APPROVAL

107.1 404.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety, accessibility, or structural requirements.

The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

107.2 404.7 Approved materials and equipment. All materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

107.3 404.7.1 Used materials, appliances and equipment-reuse. ~~The use of used materials that meet the requirements of this code for new materials is permitted. Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and *approved* by the *code official*. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.~~

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 404.9.1 Research reports. Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

107.6 404.9.2 Technical assistance Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the *fire code official* shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. ~~The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.~~

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an *approved agency*.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *fire code official* shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 Retention of reports. ~~Reports of such tests~~ The technical opinions, recommendation, reports and test results shall be retained by the *fire code official* for the period required for retention of public records.

404.7.2 Technical assistance. ~~To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the *fire code official* is authorized to require the *owner* or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official* and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.~~

SECTION 108 406 INSPECTIONS

108.1 General. Construction or work on a project for which a *permit* is required shall be subject to inspection by the *fire code official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. **106.4 Approvals.** Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. **406.3 Concealed work.** It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *fire code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or appliances installed to replace such existing *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

106.1 Inspection authority. The *fire code official* is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

108.2 Required inspections and testing. The *fire code official*, upon notification, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code.

108.2.1.1 106.2 Inspections. The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

108.2.2 Other inspections. In addition to the inspections specified above, the *fire code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, or the *International Building Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made after all work on the project required by the *permit* is completed.

108.3 Inspection agencies. The *fire code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual.

The *fire code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

108.4 106.2.4 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *fire code official* when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 106.2.2 Approval required. Work on a project shall not proceed be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*. The *code official*, upon notification, shall make the requested inspections and shall either indicate the portion of the project construction that is satisfactory as completed, or shall notify the permit holder or his or her authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, or concealed, or used until authorized by the *fire code official*.

108.6 Notice of approval. After all prescribed inspections or tests indicate the project complies with this code, a certificate of completion complying with Section 109 shall be issued by the *code official*.

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

105.3.3 Occupancy prohibited before approval. ~~The building or structure shall not be occupied prior to the *fire code official* issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.~~

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the *International Residential Code*.
2. The *code official* is shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

105.3.4 Conditional permits. ~~Where permits are required and upon the request of a permit applicant, the *fire code official* is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The *fire code official* shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.~~

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

SECTION 110 444 STOP WORK ORDER

110.1 444.1 Order Authority. Whenever the *fire code official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or ~~in a~~ dangerous or unsafe manner, the *fire code official* is authorized to issue a stop work order.

110.2 444.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, or to the *owner's* agent, or to the *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

110.2.1 444.3 Emergencies. Where an emergency exists, the *fire code official* shall not be required to give a written notice prior to stopping the work.

110.4 444.4 Failure to comply Unlawful continuance. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

SECTION 111 409 VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *fire code official* without the express authorization of the *fire code official*.

111.2 Notice of violation. A code official who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the code official shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *fire code official* without the express authorization of the *fire code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

109.1 Unlawful acts. ~~It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

109.2 Notice of violation. When the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

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

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the *owner*, operator, occupant or other *person* responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

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

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

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 112 408 BOARD MEANS OF APPEALS

112.1 Application for appeal. Any person directly affected by a decision of the *fire code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *fire code official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *fire code official* and any person whose interests are affected shall be given an opportunity to be heard.

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

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

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the *fire code official*.

112.4.2 Action by fire code official. The *fire code official* shall take immediate action in accordance with the decision of the board.

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

408.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

~~108.2 Limitations on authority.~~ An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

~~108.3 Qualifications.~~ The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems* and are not employees of the jurisdiction.

SECTION 113 FEES

~~113.1 Payment of fees.~~ A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

~~113.2 Schedule of permit fees.~~ A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

~~113.2 Fee schedule.~~ The fees for permits and other considerations shall be in accordance with the following schedule:
[JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]

~~113.3 113.4 Related fees.~~ The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

~~113.4 113.3 Work commencing before permit issuance.~~ Any person who commences any work on a project requiring a *permit*, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional a fee established by the *fire code official* applicable governing authority, which that shall be in addition to the required permit fees.

~~113.5 Permit extension.~~ The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

~~113.6 105.5 Expiration of permit.~~ For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

~~113.7 Stop work order.~~ Any person who shall continue any work on a project requiring a permit after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

~~113.8 Reinspection fee.~~ A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

~~113.5 Refunds.~~ The applicable governing authority is authorized to establish a refund policy.

~~113.9 Fee refunds.~~ The *fire code official* shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The *fire code official* shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 440
UNSAFE BUILDINGS STRUCTURES, EQUIPMENT, AND CONDITIONS

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

~~**110.1 General.** If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the *fire code official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, *alterations*, remodeling, removing or demolition required.~~

~~**110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress* or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.~~

~~**120.1.1 Notice to building official.** Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.~~

~~**110.1.2 Structural hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the *fire code official* shall immediately notify the building code official in accordance with Section 110.1.~~

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 140-2 Evacuation. The fire code official or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

120.4 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 140.4 Abatement. The *owner*, operator or occupant of a building, structure, or premises, or equipment deemed unsafe by the *fire code official* shall abate or correct cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

120.7.1 140.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *fire code official* or fire department official in charge of the incident is authorized to ~~abate~~ summarily abate such unsafe or hazardous conditions that are in violation of this code.

120.8 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the *fire code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *fire code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *fire code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Fire Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *fire code official*, there is imminent danger due to an unsafe condition, the *fire code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *fire code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *fire code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *fire code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 442 SERVICE UTILITIES

122.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the *fire code official*.

122.2 Temporary connection. The *fire code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, power, water system or sewer system.

122.3 442.4 Authority to disconnect service utilities. The *fire code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary in order to safely execute emergency operations or to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The *fire code official* shall notify the serving utility and, whenever possible, the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 123 TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES

123.1 General. The *fire code official* is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *fire code official* is authorized to grant extensions for demonstrated cause.

123.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 Termination of approval. The *fire code official* is authorized to terminate such permit and to order the temporary structure, equipment, system or use to be discontinued.

SECTION 124 407 MAINTENANCE

124.1 407.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.2 407.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 407.2.1 Test and inspection records. Required test and inspection records shall be available to the *fire code official* at all times or such records as the designates shall be filed with the *fire code official*.

124.2.2 407.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

124.3 407.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 407.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 DEMOLITION

125.1 General. The *fire code official* shall order the owner of any premises upon which is located any structure that in the *fire code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the

structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless approved by the fire code official.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

SECTION 126 **OPERATIONAL PERMITS**

126.1 405-6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections ~~405-6.1~~ 126.2 through 126.47 ~~405-6.46~~.

126.1.1 405-2.2 Preliminary inspection authorized. Before a new operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

126.1.2 405-3.4 Expiration of operational permit. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit.

126.2 405-6.4 Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

126.3 405-6.2 Amusement buildings. An operational permit is required to operate a special amusement building.

126.4 405-6.3 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

126.5 405-6.4 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

126.6 405-6.5 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

126.7 405-6.6 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing *combustible dusts* as defined in Chapter 2.

126.8 405-6.7 Combustible fibers. An operational permit is required for the storage and handling of *combustible fibers* in quantities greater than 100 cubic feet (2.8 m3).

Exception: A permit is not required for agricultural storage.

126.9 405.6.8 Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of *compressed gases* in excess of the amounts listed in Table 126.9 405.6.8.

Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

**TABLE 126.9 405.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES**

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot = 0.02832 m3.

126.10 405.6.9 Covered mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

126.11 405.6.10 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense *cryogenic fluids* in excess of the amounts listed in Table 126.11 405.6.10.

Exception: Permits are not required for vehicles equipped for and using *cryogenic fluids* as a fuel for propelling the vehicle or for refrigerating the lading.

**TABLE 126.11 405.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L.

126.12 405.6.11 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.

126.13 405.6.12 Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

126.14 405.6.13 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

126.15 405.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives, explosive materials, fireworks* or pyrotechnic special effects within the scope of Chapter 33.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

126.16 405.6.15 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

126.17 ~~405.6.16~~ Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or *combustible liquids*. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the *fire code official*, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the *approved*, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or *combustible liquid* tank.
8. To change the type of contents stored in a flammable or *combustible liquid* tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or *combustible liquids*.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.

126.18 ~~405.6.17~~ Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

126.19 ~~405.6.18~~ Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

126.20 ~~405.6.19~~ Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

126.21 ~~405.6.20~~ Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 126.21 ~~405.6.20~~.

126.22 ~~405.6.21~~ HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

126.23 ~~405.6.22~~ High-piled storage. An operational permit is required to use a building or portion thereof as a *high-piled storage area* exceeding 500 square feet (46 m²).

126.24 ~~405.6.23~~ Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. When *approved*, the *fire code official* shall issue a permit to carry out a hot work program. This program allows *approved* personnel to regulate their facility's hot work operations. The *approved* personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued only to their employees or hot work operations under their supervision.

126.25 105-6.24 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.

**TABLE 126.21 105-6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallon ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	

Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

126.26 405.6.25 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

126.27 405.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

126.28 405.6.27 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

126.29 405.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

126.30 405.6.29 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

126.31 405.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: *Recreational fires.*

126.32 405.6.31 Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

126.33 405.6.32 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

126.34 405.6.33 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

126.35 405.6.34 Places of assembly. An operational permit is required to operate a place of assembly.

126.36 405.6.35 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

126.37 405.6.36 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

126.38 405.6.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

126.39 405.6.38 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

126.40 405.6.39 Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

126.41 405.6.40 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

123.42 405.6.41 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or *combustible liquids* or the application of combustible powders regulated by Chapter 15.

126.43 405.6.42 Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

126.44 405.6.43 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

126.45 405.6.44 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

126.46 405.6.45 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

126.47 405.6.46 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

2. Revise and add the following definitions in the IFC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

[EB] ALTERATION. Any construction or renovation to an existing structure other than a repair or addition that requires a permit, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit. Alterations are classified as Level 1, Level 2 and Level 3.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. ~~Acceptable to the fire code official.~~ Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with approved construction documents and the requirements of this code.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

[B] REGISTERED DESIGN PROFESSIONAL. An architect or engineer, who is registered or licensed to practice professional architecture or engineering their respective design profession, as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

PART V – IFGC

1. Revise IFGC (Item 1-F) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 (IFGC) GENERAL

101.1 Title. These regulations shall be known as the *Fuel Gas Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the installation of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories in accordance with Sections 101.2.1 through 101.2.5.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane high with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.

401.4 101.3 Purpose Intent. The purpose of this code is to ~~provide~~ establish the minimum requirements standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of fuel gas systems.

401.5 101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

402.10 101.6 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 (IFGC) APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable govern. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

402.11 102.2 Application of references. Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

402.8 102.3 Referenced codes and standards. The codes and standards referenced in this code shall be ~~those that are listed in Chapter 8 and such codes and standards shall be~~ considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

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

102.4 401.3 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 402.2 Existing structures and systems installations. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public. ~~Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing installations lawfully in existence at the time of the adoption of this code.~~

102.5.1 402.6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings.

102.6 405.2 Alternative materials, design, and methods, appliances and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative ~~material or method of construction~~ shall be *approved* where the code official finds that the proposed alternative design is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 402-9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing or proposed fixture, structure, or equipment installation, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the code official.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 406.5.7 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

[EB] 102.11.1 402-2.4 Existing buildings. Additions, alterations, renovations or repairs related to building or structural issues shall be regulated by the *International Building Code*.

102.11.2 401-2.2 Piping systems. These regulations cover *piping* systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section 402.6. Coverage shall extend from the *point of delivery* to the outlet of the *appliance* shutoff valves. *Piping* system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

102.11.3 401-2.3 Gas appliances. Requirements for gas appliances and related accessories shall include installation, combustion and ventilation air and venting and connections to *piping* systems.

102.11.4 401-2.4 Gaseous hydrogen systems. Gaseous hydrogen systems shall be regulated by Chapter 7.

102.11.5 401-2.5 Other fuels. The requirements for the design, installation, maintenance, *alteration* and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the *International Mechanical Code*.

102.11.6 402-3 Maintenance. Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of installations. To determine compliance with this provision, the code official shall have the authority to require an installation to be reinspected.

102.11.7 402-4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to installations shall conform to that required for new installations without requiring the existing installation to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing installation to become unsafe, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

102.11.8 402-5 Change in occupancy. It shall be unlawful to make a change in the *occupancy* of a structure which will subject the structure to the special provisions of this code applicable to the new *occupancy* without approval. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

102.11.9 102.7 Moved buildings. Except as determined by Section **102.5 102.2**, installations that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

102.11.10 101.2.4 Systems, appliances and equipment outside the scope. This code shall not apply to the following:

1. Portable LP-gas appliances and *equipment* of all types that is not connected to a fixed fuel *pipng* system.
2. Installation of farm appliances and *equipment* such as brooders, dehydrators, dryers and irrigation *equipment*.
3. Raw material (feedstock) applications except for *pipng* to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
8. LP-gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas *pipng* in power and atomic energy plants.
11. Proprietary items of *equipment*, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
12. LP-gas *equipment* for vaporization, gas mixing and gas manufacturing.
13. Temporary LP-gas *pipng* for buildings under construction or renovation that is not to become part of the permanent *pipng* system.
14. Installation of LP-gas systems for railroad switch heating.
15. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1, gas *pipng*, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
17. Building design and construction, except as specified herein.
18. *Pipng* systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).
19. Portable fuel cell appliances that are neither connected to a fixed *pipng* system nor interconnected to a power grid.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 (IFGC) DEPARTMENT OF FUEL GAS INSPECTION

103.1 General. The Department of Fuel Gas Inspection, herein referred to as “the department,” is hereby ~~created and the executive official in charge thereof shall be known as~~ established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The *code official*, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 (IFGC)

DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies, and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The code official shall receive applications, review *construction documents*, and issue permits required by this code for installations and alterations of fuel gas systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

104.3 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The code official shall make all of the required inspections, or code official shall have the authority to accept reports of inspection by approved agencies or individuals. All Reports of such inspections shall be in writing and shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Whenever Where it is necessary to make an inspection to enforce the provisions of this code, or whenever where the code official has reasonable cause to believe that there exists in a building structure or upon any a premises any a condition conditions or violations of this code that which is contrary to or in violation of this code which makes the building structure or premises unsafe, dangerous, or hazardous, the code official shall have the authority is authorized to enter the building structure or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code, provided that if such building structure or premises is be occupied, the code official shall present that credentials be presented to the occupant and request entry requested. If such building structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building structure or premises and request entry. If entry is refused, the code official has shall have recourse to every remedy the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 106 (IFGC) PERMITS

105.1 106.1 Where Permit required. Any owner, authorized agent or contractor who desires intends to erect, install, construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned. remove, convert or replace an installation regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.

Exception: Where ~~appliance and equipment~~ replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department of Inspection.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 406-2 Permits not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required in accordance with Sections 105.2.1 through 105.2.3, for the following:

~~Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or of other laws or ordinances of this jurisdiction.~~

105.2.1 Repairs. Application or notice to the *code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.*

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of *generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.*

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit:

1. Any portable heating *appliance*.
2. Replacement of any minor component of an *appliance or equipment* that does not alter approval of such *appliance or equipment* or make such *appliance or equipment* unsafe.

105.3 406-3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. Permit valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

105.4 106.5 Action on application Permit issuance. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable. The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.6 have been paid, a permit shall be issued to the applicant.

105.4.1 106.4 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 106.5.4 Conditional permits. The code official shall have the authority is authorized to issue a permit for the construction or operation of part of a project an installation such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project installation have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed only to the point for which approval has been given, at his or her the permit holder's own risk, and without assurance that the permit for the entire project installation will be granted.

105.5 106.3.2 Time limitation of application. An application for a permit for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 106.5.2 Validity of permit. The issuance of a permit or approval of construction documents shall not be construed to be or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit Presuming to give authority to violate or cancel the provisions of this code shall not be valid invalid. The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in the said construction documents and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

105.7 106.5.4 Extensions of permit. A permittee holding For an unexpired permit, shall have the right to apply for an extension of the time within which he or she will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. the code official shall extend the time for action by the permittee is authorized to grant, in writing, one or more extensions of the time, for a periods not more than exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

105.8 106.5.3 Expiration of permit. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if shall become invalid unless the work on the site authorized by such permit is not commenced within 180 days after its issuance from the date of such permit, or if the work authorized on the site by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days after the time the work is commenced.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained, and the fee, therefor, shall be one-half the amount required for a The new permit for such work, shall be issued provided no changes have been or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

105.9 406.5.5 Suspension or revocation of permit. The *code official* shall have the authority is authorized to suspend or revoke a permit issued under the provisions of this code ~~wherever~~ whenever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.10 406.5.8 Posting of permit. The permit issued permits or a copy thereof shall be kept on the site of the project work until the completion of the project.

SECTION 106 **SUBMITTAL DOCUMENTS**

106.1 406.3.4 General Construction documents. Submittal documents consisting of construction documents, engineering calculations, diagrams and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the code official. The code official shall require construction documents and other data, computations and specifications to be prepared and designed by a registered design professional when where required by the statutes of the jurisdiction in which the project is to be constructed state law. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The code official ~~shall have the authority~~ is authorized to waive the submission of *construction documents, calculations or and other data* not required to be prepared by a registered design professional if the nature of the work applied for is such that reviewing of *construction documents* is not necessary to ~~determine~~ obtain compliance with this code.

106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 Information on construction documents. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the code official. ~~drawn~~ Plans shall be to scale and be on suitable material. ~~shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code.~~ Electronic media documents are permitted to be submitted when approved by the code official.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 Buildings more than two stories in height. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the code official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in

responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The code official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the code official.

106.4 Examination of documents. The code official shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5-4 Approved Approval of construction documents. When the code official issues the permit ~~where the construction documents are required, the construction documents~~ and other data shall be endorsed, in writing and stamped or by stamp, as "APPROVED." One set of construction documents and other data so reviewed shall be retained by the code official. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the code official or a duly authorized representative. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.7 106.5.6 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted project work, or for the period required for retention of public records ~~as required by state or local laws~~. ~~One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

SECTION 107 105 (IFGC) MODIFICATIONS, TESTING, AND APPROVAL

107.1 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the code official shall have the authority to grant modifications for individual cases, ~~upon application of the owner or owner's representative~~, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and ~~that such the~~ modification is in conformance ~~compliance~~ with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety, accessibility, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of inspection.

107.2 105.5 Approved materials and equipment. Materials, equipment, and devices approved by the code official shall be constructed and installed in accordance with such approval.

107.3 405.4 Used material, appliances and equipment. The use of used materials ~~which that~~ meet the requirements of this code for new materials is permitted. Used appliances, *equipment* and devices shall not be reused unless such elements are in good repair or have been reconditioned, tested *when necessary*, and placed in good and proper working condition, and *approved* by the code official.

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 405.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

107.6 405.3 Required testing Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the code official shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. ~~to~~ The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an *approved agency*.

107.6.2 405.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 405.3.2 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 405.3.3 Test Retention of reports. ~~Reports of tests~~ The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 407 (IFGC) INSPECTIONS AND TESTING

108.1 407.1 General. ~~The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code.~~ Construction or work on a project for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or *appliances* installed to replace such existing heating *equipment* or *appliance* serving an occupied portion of a structure ~~in the event~~ provided that a request for inspection of such heating *equipment* or *appliance* has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or *appliance* is concealed by any permanent portion of the structure.

108.2 407.2 Required inspections and testing. The code official, upon notification, ~~from the permit holder or the permit holder's agent,~~ shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4, following inspections and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The holder of the permit shall be responsible for scheduling such inspections.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code.

108.2.1.1 Underground inspection. An underground inspection shall be made after trenches or ditches are excavated and bedded, *pipng* is installed and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the *pipng* or cause corrosive action, clean backfill shall be on the job site.

108.2.1.2 Rough-in Inspection. A rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

108.2.1.3 407.3 Leak and defect testing. Installations shall be tested as required in this code and in accordance with Sections ~~407.3.4~~ 108.2.1.3.1 through 108.2.1.3.2 ~~407.3.3~~. Tests shall be made by the permit holder and observed by the code official.

108.2.1.3.1 407.3.4 New, altered, extended or repaired installations. New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

108.2.1.3.2 407.3.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.

108.2.1.4 Prefabricated construction. Inspection of prefabricated construction shall comply with Sections 108.2.1.4.1 through 108.2.1.4.4.

108.2.1.4.1 407.2.5 Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the installation, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information and other data as necessary for the code official to determine conformance to this code.

108.2.1.4.2 407.2.5.1 Evaluation service. The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

108.2.1.4.3 407.2.5.2 Follow-up inspection. Except where ready access is provided to installations, appliances, service *equipment* and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the installation shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

108.2.1.4.4 407.2.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the installation and the erection of the building; or such records as the code official designates shall be filed.

~~**407.3.3 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.~~

108.2.2 407.2.4 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made upon completion of the installation after all work on the project required by the *permit* is completed.

108.3 407.2.4 Approved inspection agencies. The code official is authorized to accept reports of *approved* inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

108.4 407.2.2 Inspection requests. It shall be the duty of the holder of the permit or his or her duly authorized agent to notify the code official when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 407-2.3 Approval required. Work on a project shall not proceed ~~be done~~ beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the ~~project construction~~ that is satisfactory as completed, or notify the permit holder or ~~his or her~~ authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, ~~or concealed,~~ or used until authorized by the code official.

108.6 407-4 Notice of approval. After the ~~all~~ prescribed tests and inspections ~~or tests~~ indicate that the ~~project work~~ complies in all respects with this code, a ~~notice of approval~~ certificate of completion complying with Section 109 shall be issued by the code official.

407-4.1 Revocation. The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the International Residential Code.
2. The code official shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 STOP WORK ORDER

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

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

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

110.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction.

~~**108.5 Stop work orders.** Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

~~**108.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction, restrain, correct or abate a violation, prevent illegal occupancy of a building, structure or premises, or stop an illegal act, conduct, business or utilization of the installations on or about any premises.~~

SECTION 111 408 (IFGC) VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or

3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

~~**108.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an installation, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

~~**108.2 Notice of violation.** The *code official* shall serve a notice of violation or order to the person responsible for the erection, installation, *alteration*, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

~~**108.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *code official* shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

~~**108.4 Violation penalties.** Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

SECTION 112 109 (IFGC) MEANS OF APPEAL

112.1 109.1 Application for appeal. A person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served a decision of the *code official* to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or the requirements of this code are adequately satisfied by other means an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the *code official* within 20 days after the notice was served.

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 409.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. ~~The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.~~

112.2.1 409.2.2 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The code official shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 409.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

112.2.4 409.2.5 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

112.2.5 409.2.4 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

112.2.6 409.2.4 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 409.2.6 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 409.4.4 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 409.3 Notice of meeting. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 409.4 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

112.3.4 409.5 Postponed hearing. When the full board is five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

112.4 409.6 Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of a majority of the total number of appointed board ~~three~~ members.

112.4.1 ~~409.6.1~~ Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 ~~409.6.2~~ Administration Action by code official. The code official shall take immediate action in accordance with the decision of the board.

112.5 ~~409.7~~ Court review. Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 113 **FEES**

113.1 ~~406.6~~ Payment of fees. A permit ~~or an amendment to a permit~~ shall not be issued until the fees prescribed in Section ~~113.2~~ ~~406.6.2~~ have been paid, ~~nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the installation, has been paid.~~ prescribed in Section 113.2 have been paid.

113.2 ~~406.6.2~~ Fee schedule. The fees for ~~work permits and other considerations~~ shall be ~~as indicated in accordance with~~ the following schedule. [JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.4 ~~406.6.1~~ Work commencing before permit issuance. Any person who commences any work on a project requiring a permit on an installation before obtaining the necessary permits shall be subject to a fee established by the code official ~~100 percent of the usual permit fee~~ that shall be in addition to the required permit fees.

113.5 ~~406.4.4~~ Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the code official that shall be in addition to the required permit fees. The fee may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 ~~406.6.3~~ Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
3. 2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
2. 3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been done under a permit issued in accordance with this code.

~~The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 **UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

~~**108.7 Unsafe installations.** An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.~~

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance 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 natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for 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 clearly unsafe for its use and *occupancy*.

7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

~~**108.7.1 Authority to condemn installations.** Whenever the code official determines that any installation, or portion thereof, regulated by this code has become hazardous to life, health or property, he or she shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective installation after receiving such notice. When such installation is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.~~

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122
SERVICE UTILITIES

122.1 ~~408.7.3~~ **407.6 Connection of service utilities after order to disconnect.** ~~A~~ No person shall not make connections from a utility, source of energy, fuel, or power, water system or sewer system to any building or system that is regulated by this code for which a permit is required, until authorized by the code official. ~~A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations.~~

When an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

122.2 ~~407.5~~ **Temporary connection.** The code official shall have the authority to allow the temporary connection of the building, structure or system to the utility source of energy, fuel, power, water system or sewer system ~~an~~ installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of *occupancy*.

122.3 ~~408.7.2~~ **Authority to disconnect service utilities.** The code official shall have the authority to ~~require~~ authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards ~~the technical codes~~ in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility, and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

SECTION 123 110 (IFGC)
TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES

123.1 ~~440.1~~ **General.** The code official is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

123.2 ~~440.2~~ **Conformance.** Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 ~~440.4~~ **Termination of approval.** The code official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure, equipment, system or use to be discontinued.

110.3 ~~Temporary utilities.~~ The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

SECTION 124
MAINTENANCE

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the code official at all times, or such records as designates shall be filed with the code official.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *code official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions in the IFGC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. A change in a system that involves an extension, addition or change to the arrangement, type or purpose of the original installation. Any construction or renovation to an existing structure other than repair or addition that requires a *permit*, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a *permit*.

APPLIANCE. Any apparatus or device that utilizes gas as a fuel or raw material to produce light, heat, power, refrigeration or *air conditioning*. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Acceptable to the *code official* or other authority having jurisdiction. Approval by the *code official* as the result of review, investigation or tests conducted by the *code official* or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency ~~that is approved by the code official and~~ regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with *approved construction documents* and the requirements of this code.

CONSTRUCTION DOCUMENTS. ~~All of~~ The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a ~~mechanical~~ permit.

EQUIPMENT. ~~Apparatus and devices other than appliances.~~ Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An individual architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A *registered design professional* engaged by the owner to review and coordinate certain aspects of the project, as determined by the *building official*, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART VI – IMC

1. Revise IMC (Item 1-G) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART I—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Mechanical Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. ~~The provisions of~~ this code shall ~~regulate~~ apply to the design, installation, maintenance, *alteration* and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also apply to ~~regulate~~ those mechanical systems, system components, *equipment* and appliances specifically addressed herein. The installation of fuel gas distribution piping and *equipment*, fuel gas-fired appliances and fuel gas-fired *appliance* venting systems shall be regulated by the *International Fuel Gas Code*.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane ~~high~~ with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.

101.3 Purpose Intent. The purpose of this code is to ~~provide~~ establish the minimum requirements ~~standards~~ to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of mechanical systems.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 ~~402.10~~ Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable ~~govern~~. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

~~402.11~~ **102.2 Application of references.** Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

~~402.8~~ **102.3 Referenced codes and standards.** The codes and standards referenced ~~herein~~ in this code shall be ~~those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between~~ the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

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

102.4 ~~401.2.1~~ Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 402-2 Existing structures and systems installations. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public. Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, a mechanical system lawfully in existence at the time of the adoption of this code.

102.5.1 402-6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings.

102.6 405-2 Alternative materials, design, and methods, and equipment and appliances. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative ~~material or method of construction~~ shall be *approved* where the code official finds that the proposed alternative design is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

102.6.1 Matters regulated by the *International Building Code*. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 402-9 Requirements not covered by this code. Requirements necessary for the strength, stability or proper operation of an existing or proposed ~~mechanical system~~ fixture, structure, or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 406-4.7 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 402-4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

102.11.2 402-5 Change in occupancy. It shall be unlawful to make a change in the *occupancy* of any structure which will subject the structure to any special provision of this code applicable to the new *occupancy* without approval. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

~~102.11.3~~ ~~102.7~~ **Moved buildings.** Except as determined by Section ~~102.5~~ ~~102.2~~, mechanical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF MECHANICAL INSPECTION

103.1 General. The Department of Mechanical Inspection, herein referred to as “the department,” is hereby ~~created~~ and the executive official in charge thereof shall be known as established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The code official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from 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.

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

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The code official shall receive applications, review construction documents, and issue permits required by this code for the installation and alteration of mechanical systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

~~104.6~~ **104.3 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

~~104.3~~ **104.4 Inspections.** The code official shall make all of the required inspections, or code official shall have the authority to accept reports of inspection by approved agencies or individuals. ~~All~~ Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

~~104.4~~ **104.6 Right of entry.** ~~Whenever~~ Where it is necessary to make an inspection to enforce the provisions of this code, or ~~whenever~~ where the code official has reasonable cause to believe that there exists in a building structure or upon any a premises any conditions or violations a condition which is contrary to or in violation of this code which

~~makes the building structure or premises unsafe, insanitary, dangerous or hazardous, the code official shall have the authority is authorized to enter the building structure or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code, provided that if such building structure or premises is occupied, the code official shall present that credentials be presented to the occupant and request entry requested.~~ If such building structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building structure or premises and request entry. If entry is refused, the code official ~~has~~ shall have recourse to ~~every remedy~~ the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 406 PERMITS

105.1 406.1 When Permit required. ~~An Any~~ owner, or authorized agent or contractor who ~~desires~~ intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or construct, erect, install, enlarge, alter, repair, remove, convert or replace a any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the project work. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the permit.

105.1.1.1 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times, or such records shall be filed with the code official as designated.

105.1.2 Emergency repairs. Exception: ~~Where equipment and appliance replacements or and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the code official department of mechanical inspection.~~

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 406.2 Permits not required. ~~Permits shall not be required for the following.~~ Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required in accordance with Sections 105.2.1 through 105.2.3, for the following:

105.2.1 Repairs. Application or notice to the code official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2 Public service agencies. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit.

1. Portable heating appliances;
2. Portable ventilation appliances and *equipment*;
3. Portable cooling units;
4. Steam, hot water or chilled water piping within any heating or cooling *equipment* or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of *equipment* or an *appliance* or make such *equipment* or *appliance* unsafe;
6. Portable evaporative coolers;
7. Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less; and
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

105.3 406.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the permit for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by construction documents and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the code official.

105.3.1 Permit valuations. Permit valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

105.4 406.4 Action on application Permit issuance. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable. The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant.

105.4 Action on application. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.

105.4.1 406.3.2 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 ~~106.4.1~~ **Conditional permits.** The code official ~~shall have the authority~~ is authorized to issue a permit for the construction or operation of part of the project such as the construction of foundations or any other of part of a ~~mechanical system building or structure, or installation of systems or materials, or operation~~ before the *construction documents* for the entire project system have been submitted or ~~approved~~, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed only to the point for which approval has been given, at ~~his or her~~ the permit holder's own risk and without assurance that the permit for the entire project mechanical system will be granted.

105.5 ~~106.3.3~~ **Time limitation of application.** An application for a permit for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 ~~106.4.2~~ **Validity of permit.** The issuance of a permit or approval of ~~construction documents~~ shall not be construed to be or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid ~~invalid~~. The issuance of a permit based upon *construction documents* and other data shall not prevent the code official from ~~thereafter~~ requiring the correction of errors in the said construction documents and other data or from preventing building operations from being carried on ~~thereunder when in violation of this code or of other ordinances of this jurisdiction~~.

105.7 ~~106.4.4~~ **Extensions of permit.** A permittee holding ~~For an unexpired permit, shall have the right to apply~~ For an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons, the code official shall extend the time for action by the permittee is authorized to grant, in writing, one or more extensions of the time, for a period not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. ~~if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.~~

105.8 ~~106.4.3~~ **Expiration of permit.** Every permit issued by the code official under the provisions of this code shall become invalid expire by limitation and become null and void if unless the work on the site authorized by such permit is not commenced within 180 days after its issuance from the date of such permit, or if the work on the site authorized by such permit is suspended or abandoned for a period of 180 days after the time at any time after the work is commenced for a period of 180 days.

105.8.1 **Recommencement of work.** Before such work covered under an expired permit recommences, a new permit shall be first obtained, and the fee, therefore, shall be one-half the amount required for a new permit for such work, The new permit shall be issued provided no changes have been made or will be made in the original *construction documents* for such work, and provided further that such suspension or abandonment has not exceeded one year.

105.9 ~~106.4.5~~ **Suspension or revocation of permit.** The code official ~~shall have the authority~~ is authorized to suspend or revoke a permit issued under the provisions of this code ~~whenever~~ whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.10 ~~106.4.8~~ **Posting of permit.** The permit Issued permits or a copy thereof shall be kept on the site of the project work until the completion of the project.

SECTION 106 **SUBMITTAL DOCUMENTS**

106.1 ~~106.3.1~~ **Construction documents General.** Submittal documents consisting of construction documents, engineering calculations, diagrams and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the code official. The code official shall require construction documents, computations and specifications and other data to be prepared and designed by a registered design professional when required by the statutes of the jurisdiction in which the project is to be constructed state law. Where special conditions exist, the code official is authorized to require additional necessary construction documents to be prepared by a registered design professional.

Exception: The code official ~~shall have the authority~~ is authorized to waive the submission of *construction documents, calculations or and other data not required to be prepared by a registered design professional* if the nature of the work applied for is such that ~~review reviewing~~ of *construction documents* is not necessary to ~~determine obtain~~ compliance with this code.

106.2 Construction documents. *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 Information on construction documents. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *code official*. ~~drawn~~ Plans shall be to scale and be on suitable material ~~shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code.~~ Electronic media documents are permitted to be submitted when approved by the code official.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *code official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 Buildings more that two stories in height. *Construction documents* for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.11 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the code official.

106.4 Examination of documents. The code official shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 106.4.1 Approved Approval of construction documents. When the code official issues the permit where ~~construction documents are required~~, the construction documents and other data shall be endorsed, in writing and stamped or by stamp, as "APPROVED." One set of construction documents and other data so reviewed shall be retained by the code official. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the code official or a duly authorized representative. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.

106.5.1 Phased approval. The code official ~~shall have the authority~~ is authorized to issue a permit for part of the project such as the construction of foundations or any other of part of a ~~mechanical system~~ building or structure, or installation of systems or materials, or operation before the construction documents for the entire project ~~system~~ have been submitted or ~~approved~~, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her the holder's own risk and without assurance that the permit for the entire project ~~mechanical system~~ will be granted.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.7 106.4.6 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted project work, or for the period required for retention of public records as required by state or local laws. ~~One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or job at all times during which the work authorized thereby is in progress.~~

SECTION 107 105 MODIFICATIONS, TESTING, AND APPROVAL

107.1 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in conformance ~~compliance~~ with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety, accessibility, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department ~~mechanical inspection~~.

107.2 105.4 Approved materials and equipment. All materials, equipment, and devices approved by the code official shall be constructed and installed in accordance with such approval.

107.3 105.5 Used materials, appliances and equipment and appliance reuse. The use of used materials that meet the requirements of this code for new materials is permitted. Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the code official. ~~Materials, equipment, appliances and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.~~

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

107.6 405.3 Required testing Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the code official shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance, ~~to~~ The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 405.3.4 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 405.3.2 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 405.3.3 Test Retention of reports. ~~Reports of tests~~ The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 407 INSPECTIONS AND TESTING

108.1 407.1 General. ~~The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code.~~ Construction or work on a project for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling equipment or appliances installed to replace such existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

108.2 407.2 Required inspections and testing. The code official, upon notification ~~from the permit holder or the permit holder's agent,~~ shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4, ~~following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected.~~ The holder of the permit shall be responsible for the scheduling of such inspections.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code.

108.2.1.1 Underground inspection. An underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

Exception: Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 shall be permitted to be backfilled prior to inspection.

108.2.1.2 Rough-in Inspection. A Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

108.2.1.3 407.3 Testing. Mechanical systems shall be tested as required in this code and in accordance with Sections ~~407.2.4 108.3.3.1~~ through ~~108.3.3.3 407.2.3~~. Tests shall be made by the permit holder and observed by the code official.

108.2.1.3.1 ~~107.3.1~~ New, altered, extended or repaired systems. New mechanical systems and parts of existing systems, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

108.2.1.3.2 ~~107.3.2~~ Apparatus, material and labor for tests. Apparatus, material and labor required for testing a mechanical system or part thereof shall be furnished by the permit holder.

108.2.1.4 Prefabricated construction. Inspection of prefabricated construction shall comply with Sections 108.2.1.4.1 through 108.2.1.4.4.

108.2.1.4.1 ~~107.2.5~~ Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed mechanical work and the issuance of a mechanical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

108.2.1.4.2 ~~107.2.5.1~~ Evaluation service. The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

108.2.1.4.3 ~~107.2.5.2~~ Follow-up inspection. Except where ready access is provided to mechanical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

108.2.1.4.4 ~~107.2.5.3~~ Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the mechanical system and the erection of the building; or such records as the code official designates shall be filed.

~~107.3.3 Reinspection and testing.~~ ~~Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.~~

108.2.2 ~~107.2.1~~ Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made upon completion of the mechanical system after all work on the project required by the permit is completed.

108.3 ~~107.2.4~~ Approved inspection agencies. The code official is authorized to accept reports of *approved* inspection agencies, provided ~~that~~ such agencies satisfy the requirements as to qualifications and reliability.

108.4 ~~107.2.2~~ Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 ~~107.2.3~~ Approval required. Work on a project shall not proceed be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the project construction that is satisfactory as completed, or notify the permit holder or his or her authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, or concealed, or used until authorized by the code official.

108.6 407.4 Notice of approval. After the all prescribed inspections or tests and inspections indicate that the project work complies in all respects with this code, a notice of approval certificate of completion complying with Section 109 shall be issued by the code official.

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

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the code official inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the code official shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The permit number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design occupant load.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the permit.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the International Residential Code.
2. The code official is shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 **STOP WORK ORDER**

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

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

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

110.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction.

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

SECTION 111 408 **VIOLATIONS**

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the code official without the express authorization of the code official, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

108.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

108.2 Notice of violation. ~~The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

108.3 Prosecution of violation. ~~If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

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

108.6 Abatement of violation. ~~The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the mechanical system on or about any premises.~~

SECTION 112 409 MEANS OF APPEAL

112.1 409.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or requirements of this code are adequately satisfied by other means an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

109.1.1 Limitation of authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning Imminent Danger, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 409.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms. appointed by the chief appointing authority as follows: one for five years; one for four years; one for three years; one for two years; and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.1 ~~109.2.2~~ Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The code official shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.12.3 ~~109.2.3~~ Chairman. The board shall annually select one of its members to serve as chairman.

112.2.4 ~~109.2.5~~ Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

112.2.5 ~~109.2.4~~ Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. *Registered design professional* who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. *Registered design professional* with structural engineering or architectural experience.
3. *Registered design professional* with mechanical and plumbing engineering experience; or a mechanical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

112.2.6 ~~109.2.4~~ Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.8 ~~109.2.6~~ Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 ~~109.4.4~~ Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 ~~109.3~~ Notice of meeting. The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

112.3.3 ~~109.4~~ Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

112.3.4 ~~109.5~~ Postponed hearing. When the full board is five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

112.4 ~~109.6~~ Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of a majority of the total number of appointed board ~~three~~ members.

112.4.1 ~~109.6.1~~ Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 ~~109.6.2~~ Administration Action by code official. The code official shall take immediate action in accordance with the decision of the board.

112.5 409.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 113 FEES

113.1 406.5 Payment of fees. A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 406.5.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the mechanical system, has been paid.

113.2 406.5.2 Fee schedule. The fees for permits and other considerations for mechanical work shall be in accordance with as indicated in the following schedule. [JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.4 406.5.4 Work commencing before permit issuance. Any person who commences any work on a project requiring a permit on a mechanical system before obtaining the necessary permits shall be subject to 400 percent of the usual permit a fee established by the code official that shall be in addition to the required permit fees.

113.5 406.4.4 Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the code official that shall be in addition to the required permit fees. The fee may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 406.5.3 Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
3. 2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
2. 3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done on a project under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 **UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the code official, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The code official or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or the fire department official in charge of the incident.

120.4 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The code official shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the code official shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure condemned and placarded by the code official shall be vacated as ordered by the code official. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the code official shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an imminent danger as described in Section 121.1 that will necessarily result in injury to occupants or the public, the code official or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the code official for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 **SERVICE UTILITIES**

122.1 407.6 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, or power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until authorized by the code official.

122.2 407.5 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, power, water system or sewer system a mechanical system to the sources of energy for the purpose of testing mechanical systems or for use under a temporary certificate of occupancy.

122.3 408.7.2 Authority to disconnect service utilities order disconnection of energy sources. The code official shall have the authority to order authorize disconnection of energy sources supplied utility service to a the building, structure or mechanical system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2 , when it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. The code official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter. Written notice of such order to disconnect service and the causes therefore shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

~~**108.7 Unsafe mechanical systems.** A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe *equipment* and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.~~

~~**108.7.1 Authority to condemn mechanical systems.** Whenever the code official determines that any mechanical system, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become insanitary, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice. When such mechanical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.~~

~~**108.7.3 Connection after order to disconnect.** A person shall not make energy source connections to mechanical systems regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such mechanical systems. When a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.~~

SECTION 123 140 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

~~**123.1 140.1 General.** The code official is authorized to issue a permit for temporary structures, *equipment*, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.~~

~~**123.2 140.2 Conformance.** Temporary structures, *equipment*, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.~~

~~**123.3 140.4 Termination of approval.** The code official is authorized to terminate such permit for temporary *equipment*, systems or uses and to order the temporary structure, *equipment*, systems or uses to be discontinued.~~

~~**140.3 Temporary utilities.** The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.~~

SECTION 124 **MAINTENANCE**

~~**124.1 Maintenance of safeguards.** Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.~~

~~**124.1.1 102.3 Specific maintenance.** Mechanical systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the code official shall have the authority to require a mechanical system to be reinspected.~~

~~**124.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.~~

~~**124.2.1 Test and inspection records.** Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.~~

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future *repair*, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future *repair* or recommencement of work shall not extend beyond one year, unless *approved* by the *code official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions to the IMC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a *permit*, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a *permit*.

APPROVED. ~~Acceptable to the code official or other authority having jurisdiction.~~ Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency ~~that is approved by the code official~~ and regularly engaged in conducting tests or furnishing inspection services, when such agency has been *approved* by the *code official*.

BUILDING. Any structure ~~occupied~~ used or intended for supporting or sheltering any use or *occupancy*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with *approved construction documents* and the requirements of this code.

CONSTRUCTION DOCUMENTS. All of The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. ~~The construction drawings shall be drawn to an appropriate scale.~~

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other ~~components of systems or components thereof, other than appliances which are permanently installed and integrated to provide control of environmental conditions for buildings and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code.~~ Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment. ~~This definition shall also include other systems specifically regulated in this code.~~

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An individual architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. *A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.*

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART VII – IPC

1. Revise IPC (Item 1-H) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *International Plumbing Code* of [NAME OF JURISDICTION] hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. ~~Provisions in the appendices shall not apply unless specifically adopted.~~

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane high with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.

101.3 Purpose Intent. The purpose of this code is to ~~provide~~ establish the minimum requirements standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of plumbing equipment and systems.

101.4 Severability. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 ~~402.10~~ Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable govern. Where, in a any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

~~402.14~~ 102.2 Application of references. Reference to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

~~402.8~~ 102.3 Referenced codes and standards. The codes and standards referenced in this code shall be ~~those that are listed in Chapter 13 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply be the minimum requirements.~~

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 ~~402.2~~ Existing structures and systems installations. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public. Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system.

102.5.1 ~~402.6~~ Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.6 405.2 Alternative materials, design, methods, and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be approved where the code official finds that the proposed alternative material, method or equipment is satisfactory and complies with the intent of the provisions of this code, and that the alternative and is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternative involves matters regulated by the International Building Code.

102.5.1.4 402.9 Requirements not covered by code. Any Requirements necessary for the strength, stability or proper operation of an existing or proposed fixture, structure, or equipment plumbing system, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the code official.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.9 406.5.7 Previous approvals. This code shall not require changes in the construction documents, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 402.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded.

102.11.2 Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

102.11.3 402.5 Change in occupancy. It shall be unlawful to make any change in the *occupancy* of any structure that will subject the structure to any special provision of this code applicable to the new *occupancy* without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

102.11.4 402.7 Moved buildings. Except as determined by Section **102.5 402.2**, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PLUMBING INSPECTION

103.1 General. The Department of Plumbing Inspection, herein referred to as "the department," is hereby created and the executive official in charge thereof shall be known as established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The code official, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The code official shall receive applications, review construction documents, and issue permits required by this code ~~for the installation and alteration of plumbing systems~~, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

~~104.6~~ **104.3 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

~~104.3~~ **104.4 Inspections.** The code official shall make all the required inspections, or the code official shall have the authority to accept reports of inspection by approved agencies or individuals. ~~All~~ Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

~~104.4~~ **104.6 Right of entry.** ~~Whenever~~ Where it is necessary to make an inspection to enforce the provisions of this code, or ~~whenever~~ where the code official has reasonable cause to believe that there exists in a any building structure or upon any a premises ~~any conditions or violations~~ a condition which is contrary to or in violation of this code ~~that which makes~~ the building structure or premises unsafe, ~~insanitary,~~ dangerous or hazardous, the code official ~~shall have the authority~~ is authorized to enter the building structure or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code, ~~provided that~~ provided that if such building structure or premises ~~is~~ is occupied, ~~the code official shall present that credentials be presented~~ credentials be presented to the occupant and ~~request entry requested.~~ request entry requested. If such building structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building structure or premises and request entry. If entry is refused, the code official shall have recourse to ~~every remedy~~ the remedies provided by law to secure entry.

104.6.1 Warrant. When the code official ~~shall have~~ has first obtained a proper inspection warrant or other remedy provided by law to secure entry, ~~no an~~ an owner or occupant or person having charge, care or control of any building structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 406 PERMITS

105.1 ~~406.1~~ When Permit required. Any owner, or authorized agent or contractor who desires intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the project work. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the permit.

105.1.1.1 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times, or such records shall be filed with the code official as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the code official.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 ~~406.2~~ Permit not required Exempt work. The following work shall be exempt from the requirement for a permit: Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the code official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2 Public service agencies. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.3 406.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. *Permit valuations* required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the *permit* is being issued. If, in the opinion of the *code official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building *permit* valuation shall be set by the *code official*.

105.3.1 406.4 By whom application is made. Application for a permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

105.4 406.5 Action on application Permit issuance. The *code official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor. ~~The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official.~~ If the code official is satisfied finds that the proposed project work conforms to the requirements of this code and all laws and ordinances applicable thereto, the *code official* shall issue a *permit* therefor as soon as practicable and that the fees specified in Section 106.6 have been paid, a permit shall be issued to the applicant.

105.4.1 406.3.2 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 406.5.1 Conditional permits. The code official shall have the authority is authorized to issue a permit for the construction or operation of part of the project such as the construction of a foundations or any other part of a plumbing system building or structure, or installation of systems or materials, or operation before the entire construction documents for the entire project whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed only to the point for which approval has been given, at their own the permit holder's own risk, and without assurance that the a permit for the entire project plumbing system will be granted.

105.5 406.3.3 Time limitation of application. An application for a permit for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 406.5.2 Validity of permit. The issuance of a permit or approval of construction documents shall not be construed to be or granting of a permit shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. No permit Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said the construction documents and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

105.7 406.5.4 Extensions of permit. ~~Any permittee holding For an unexpired permit, shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. the code official shall extend the time for action by the permittee for a period not exceeding is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.~~

105.8 406.5.3 Expiration of permit. ~~Every permit issued by the code official under the provisions of this code shall become invalid expire by limitation and become null and void if the work authorized by such permit is not unless the work on the site authorized by such permit is commenced within 180 days after its issuance from the date of such permit, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced for a period of 180 days.~~

105.8.1 Recommencement of work. ~~Before such work can be recommenced on covered under an expired permit, a new permit shall be first obtained, and the fee therefor shall be one-half the amount required for a new permit for such work. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 4 one year.~~

105.9 406.5.5 Suspension or revocation of permit. ~~The code official shall have the authority is authorized to suspend or revoke a permit issued under the provisions of this code wherever whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.~~

105.10 406.5.8 Posting of permit. ~~The permit Issued permits or a copy thereof shall be kept on the site of the project work until the completion of the project.~~

SECTION 106 **SUBMITTAL DOCUMENTS**

106.1 406.3.1 Construction documents General. ~~Submittal documents consisting of construction documents, engineering calculations, diagrams and other such supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the code official. The code official shall require construction documents and other data, computations and specifications to be prepared and designed by a registered design professional when where required by the statutes of the jurisdiction in which the project is to be constructed state law. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.~~

Exception: ~~The code official shall have the authority is authorized to waive the submission of construction documents, calculations or and other data not required to be prepared by a registered design professional if the nature of the work applied for is such that reviewing review of construction documents is not necessary to determine obtain compliance with this code.~~

106.2 Construction documents. ~~Construction documents shall be in accordance with Sections 106.2.1 through 106.2.4.~~

106.2.1 Information on construction documents. ~~Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the code official. drawn Plans shall be to scale and be on suitable material shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Electronic media documents are permitted to be submitted when approved by the code official.~~

106.2.1.1 Specific information required. ~~Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.~~

106.2.2 Site plan. ~~The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.~~

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *code official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 Buildings more than two stories in height. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *code official*.

106.4 Examination of documents. The *code official* shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

~~**106.5.1 Approved**~~ **106.5 Approval of construction documents.** When the code official issues the a permit, where the construction documents and other data are required, the construction documents shall be endorsed, in writing and stamped or by stamp, as "APPROVED." One set of *construction documents* and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the *code official* or a duly authorized representative. Such *approved* construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the *approved* construction documents.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

~~**106.7**~~ **106.5.6 Retention of construction documents.** One set of *approved* construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted project work, or for the period required for retention of public records as required by state or local laws.

~~One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

SECTION 107 405 MODIFICATIONS, TESTING, AND APPROVAL

107.1 405.4 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, ~~and upon application of the owner or owner's representative,~~ the code official shall have the authority to grant modifications for individual cases, ~~upon application of the owner or owner's representative,~~ provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety, ~~accessibility, or structural~~ requirements. The details of action granting modifications shall be recorded and entered in the files of the ~~plumbing inspection~~ department.

107.2 405.5 Approved materials and equipment. ~~All~~ materials, equipment, and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

107.3 405.5.4 Used material, appliances and equipment. ~~The use of used materials that meet the requirements of this code for new materials is permitted. Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the code official. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and approved.~~

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 405.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

107.6 405.3 Required testing Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the code official shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. ~~to~~ The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 405.3.4 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 405.3.2 Testing agency. All tests shall be performed by an *approved* agency.

107.6.4 405.3.3 Test Retention of reports. ~~Reports of tests~~ The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 407 INSPECTIONS AND TESTING

108.1 407.1 General. ~~The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code.~~ Construction or work on a project for which a permit is required shall be subject to inspection by the code official; and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or appliances installed to replace such existing *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

108.2 407-2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4. following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

108.2.1 Specific inspections. The following are specific inspections and tests required by this code.

108.2.1.1 Underground inspection. An underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.

108.2.1.2 Rough-in Inspection. A rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes.

108.2.1.3 407-4 Testing. Plumbing work and systems shall be tested as required in Section 312 and in accordance with Sections 407.4.4 108.3.1.3.1 through 108.3.1.3.2 407-4.3. Tests shall be made by the permit holder and observed by the code official.

108.2.1.3.1 407-4.4 New, altered, extended or repaired systems. New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

108.2.1.3.2 407-4.2 Equipment, material and labor for tests. All equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

108.2.1.4 Prefabricated construction. Inspection of prefabricated construction shall comply with Sections 108.2.1.4.1 through 108.2.1.4.4.

108.3.1.4.1 407-2.5 Evaluation and follow-up inspection services. Prior to the approval of a closed, prefabricated plumbing system and the issuance of a plumbing permit, the code official shall require the submittal of an evaluation report on each prefabricated plumbing system indicating the complete details of the plumbing system, including a description of the system and its components, the basis upon which the plumbing system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

108.2.1.4.2 407-2.5.1 Evaluation service. The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

108.2.1.4.3 407-2.5.2 Follow-up inspection. Except where ready access is provided to all plumbing systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the plumbing system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

108.2.1.4.4 407-2.5.3 Test and inspection records. All required test and inspection records shall be available to the code official at all times during the fabrication of the plumbing system and the erection of the building, or such records as the code official designates shall be filed.

108.2.1.5 ~~107.3~~ **Alternative engineered designs ~~Special inspections~~.** Special inspections of *alternative engineered design* plumbing systems shall be conducted in accordance with Sections ~~407.3.1~~ 108.2.3.1.1 and 108.2.3.1.2 ~~407.3.2~~.

108.2.5.1 ~~107.3.1~~ **Periodic inspection.** The registered design professional or designated inspector shall periodically inspect and observe the *alternative engineered design* to determine that the installation is in accordance with the *approved* construction documents. All discrepancies shall be brought to the immediate attention of the plumbing contractor for correction. Records shall be kept of all inspections.

108.2.1.5.2 ~~107.3.2~~ **Written report.** The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the *alternative engineered design* conforms to the *approved* construction documents. A notice of approval for the plumbing system shall not be issued until a written certification has been submitted.

108.2.2 ~~107.2.4~~ **Other inspections.** In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

~~**107.4.3 Reinspection and testing.** Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.~~

108.2.3 **Special inspections.** Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 **Final inspection.** A final inspection shall be made after ~~the building is complete, all plumbing fixtures are in place and properly connected,~~ all work on a project required by the permit is completed, and the structure is ready for occupancy.

108.3 ~~107.2.4~~ **Approved inspection agencies.** The code official is authorized to accept reports of *approved* inspection agencies, provided ~~that~~ such agencies satisfy the requirements as to qualifications and reliability.

108.4 ~~107.2.2~~ **Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 **Manufacturer's instructions.** Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 ~~107.2.3~~ **Approval required.** Work on a project shall not proceed beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the project construction that is satisfactory as completed, or notify the permit holder or his or her authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, or concealed, or used until authorized by the code official.

108.6 ~~107.5~~ **Notice of approval.** After the all prescribed tests and inspections or tests indicate that the project work complies in all respects with this code, a notice of approval certificate of completion complying with Section 109 shall be issued by the code official.

~~**107.5.1 Revocation.** The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.~~

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the code official inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the code official shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The permit number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design occupant load.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the permit.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the International Residential Code.
2. The code official is shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 **STOP WORK ORDER**

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

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

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

110.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction.

~~**108.5 Stop work orders.** Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

SECTION 111 408 VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

108.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

108.2 Notice of violation. ~~The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

108.3 Prosecution of violation. ~~If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

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

108.6 Abatement of violation. ~~The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.~~

SECTION 112 409 MEANS OF APPEAL

112.1 409.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal a decision of the code official to the board of appeals provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 409.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

112.2.1 409.2.2 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 years or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The code official shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 409.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

112.2.4 409.2.5 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

112.2.5 409.2.4 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.

112.2.6 109.2.4 Disqualification of member. A member shall not hear an appeal in which that member has any personal, professional or financial interest.

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 109.2.6 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 109.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 109.3 Notice of meeting. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or at stated periodic meetings.

112.3.3 109.4 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

112.3.4 109.5 Postponed hearing. When the full board is five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

112.4 109.6 Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of a majority of the total number of appointed board three members.

112.4.1 109.6.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 109.6.2 Administration Action by code official. The code official shall take immediate action in accordance with the decision of the board.

112.5 109.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 113 440 FEES

113.1 406.6 Payment of fees. A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 406.6.2 have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing systems, has been paid.

113.2 406.6.2 Fee schedule. The fees for permits and other considerations all plumbing work shall be as indicated in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.4 ~~406.6.4~~ Work commencing before permit issuance. Any person who commences any work on a project requiring a permit on a plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit a fee established by the code official that shall be in addition to the required permit fees.

113.5 ~~406.4.4~~ Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the code official that shall be in addition to the required permit fees. The fee may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 ~~406.6.3~~ Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
3. 2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
2. 3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done on a project under a permit issued in accordance with this code.

~~The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 **UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the code official, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, alterations, remodeling, removing or demolition shall be referred to the building official.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the occupants when:

1. There are no minimum safeguards provided to protect or warn occupants in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking ventilation, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the occupants of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or premises that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The code official or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the *owner* personally; (b) sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the *owner's* agent or upon the person responsible for the structure shall constitute service of notice upon the *owner*.

120.5 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The *owner*, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 **SERVICE UTILITIES**

122.1 107.7 Connection of service utilities. No person shall ~~not~~ make connections from a utility, source of energy, fuel, power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required until authorized by the code official.

~~**108.7.3 Connection after order to disconnect.** No person shall make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment.~~

~~When any plumbing is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.~~

~~**108.8.1 107.6 Temporary connection.** The code official shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, power, water system or sewer system for the purpose of testing plumbing systems or for use under a temporary certificate of occupancy.~~

122.3 108.7.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards ~~the technical codes~~ in case of an emergency, where necessary, to eliminate an immediate danger to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The code official shall notify the serving utility and, Where wherever possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

~~**108.7 Unsafe plumbing.** Any plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.~~

~~**108.7.1 Authority to condemn equipment.** Whenever the code official determines that any plumbing, or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such plumbing either be removed or restored to a safe or sanitary condition. A time~~

~~limit for compliance with such order shall be specified in the written notice. No person shall use or maintain defective plumbing after receiving such notice. When such plumbing is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.~~

SECTION 123 140 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

123.1 140.4 General. The code official is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

123.2 140.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 140.4 Termination of approval. The code official is authorized to terminate such permit for temporary equipment, systems or uses and to order the temporary structures, equipment, systems or uses to be discontinued.

~~**140.3 Temporary utilities.** The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.~~

SECTION 124 **MAINTENANCE**

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.1.1 140.3 Specific maintenance. All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the code official shall have the authority to require any plumbing system to be reinspected.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the

structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless approved by the code official.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions to the IPC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. ~~Acceptable to the code official or other authority having jurisdiction.~~ Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

BUILDING. Any structure ~~occupied~~ used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with *approved construction documents* and the requirements of this code.

CONSTRUCTION DOCUMENTS. ~~All of~~ The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. ~~The construction drawings shall be drawn to an appropriate scale.~~

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An individual architect or engineer who is registered or licensed to practice their respective design profession professional architecture or engineering as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed or a portion thereof an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART VIII – IPMC

1. Revise IPMC (Item 1-I) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the ~~International~~ Property Maintenance Code of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures, and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire, and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement, and penalties.

101.3 Purpose Intent. The purpose of this code shall be construed to secure its expressed intent, which is to ensure is to establish the minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

102.6 ~~402-10~~ Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable govern. ~~Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.~~ Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 ~~402-9~~ Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.3 ~~402-7~~ Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern apply.

102.4 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 Existing structures and systems. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Building Code, or the International Fire Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

102.5.1 ~~402-6~~ Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures designated identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.6 ~~405-2~~ Alternative materials, design, methods, and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed alternative design is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternative involves matters regulated by the International Building Code.

102.7 ~~402-8~~ Requirements not covered by code. Requirements necessary for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

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

with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 ~~102.3~~ Application of Other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

102.11.2 ~~102.5~~ Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The Department of Property Maintenance Inspection, herein referred to as "the department," is hereby created and the executive official in charge thereof shall be known as established within the jurisdiction under the direction of the *code official*. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The *code official*, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction; in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The code official shall receive applications, review construction documents, issue permits required by this code, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

104.3 104.5 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 104.2 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or ~~whenever~~ where the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is be occupied, ~~the code official shall present that~~ credentials be presented to the occupant and request entry requested. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 104.6 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued ~~all business and activities of the department specified in the provisions of this code~~. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 PERMITS

105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the permit.

105.1.1.1 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times, or such records shall be filed with the code official as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 Permit not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the *code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.*

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS EXEMPT FROM PERMITS FOR THIS CODE]

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. *Permit* valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the *permit* is being issued. If, in the opinion of the *code official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building *permit* valuation shall be set by the *code official*.

105.4 Action on application. The *code official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor. If the *code official* is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the *code official* shall issue a *permit* therefor as soon as practicable.

105.4.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

105.4.2 Conditional permits. The *code official* is authorized to issue a *permit* for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the *construction documents* for the entire project have been submitted or *approved*, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* shall proceed only to the point for which approval has been given, at the permit holder's own risk, and without assurance that a *permit* for the entire project will be granted.

105.5 Time limitation of application. An application for a *permit* for any proposed project shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued. The *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *code official* from requiring the correction of errors in the *construction documents* and other data.

105.7 Extensions of permit. For an unexpired permit the *code official* is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.8 Expiration of permit. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

105.9 Suspension or revocation of permit. The *code official* is authorized to suspend or revoke a *permit* issued under the provisions of this code whenever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.10 Posting of permit. Issued permits or copy thereof shall be kept on the site of the project until the completion of the project.

SECTION 106 **SUBMITTAL DOCUMENTS**

106.1 General. Submittal documents consisting of construction documents and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the *code official*. The *code official* shall require construction documents and other data to be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The *code official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

106.2 Construction documents. *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 Information on construction documents. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *code official*. Plans shall be to scale and be on suitable material. Electronic media documents are permitted to be submitted when *approved* by the *code official*.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code. [JURISDICTION TO INSERT SPECIFIC REQUIREMENTS TO THIS CODE]

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the code official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The code official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the code official.

106.4 Examination of documents. The code official shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 Approval of construction documents. When the code official issues a permit, the construction documents and other data shall be endorsed, in writing or by stamp, as "APPROVED." One set of construction documents and other data so reviewed shall be retained by the code official. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the code official or a duly authorized representative. Such approved construction documents shall not be changed, modified, or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.7 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted project, or for the period required for retention of public records.

SECTION 107 405 MODIFICATIONS, TESTING, AND APPROVAL

107.1 405-1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official

shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety, accessibility, or structural requirements. The details of action granting modifications shall be recorded and entered in the ~~department~~ files of the department.

107.2 405.5 Approved materials and equipment. All materials, equipment, and devices approved by the code official shall be constructed and installed in accordance with such approval.

107.3 405.4 Used material, appliances and equipment. The use of used materials which that meet the requirements of this code for new materials is permitted. Materials, Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the code official.

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 405.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

107.6 405.3 Required testing Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the code official shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted to be made as evidence of compliance. The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 405.3.4 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an approved agency.

107.6.4 405.3.2 Test Retention of reports. Reports of tests The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 **INSPECTIONS**

108.1 General. Construction or work on a project for which a permit is required shall be subject to inspection by the code official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling equipment or appliances installed to replace such existing equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

108.2 Required inspections and testing. The code official, upon notification, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code. [JURISDICTION TO INSERT SPECIFIC REQUIRED INSPECTIONS]

(See Reason statement of this Proposal for current specific required inspections)

108.2.2 Other inspections. In addition to the inspections specified above, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made after all work on the project required by the *permit* is completed.

108.3 Inspection agencies. The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 Inspection requests. It shall be the duty of the holder of the *permit* or their duly authorized agent to notify the *code official* when a project is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 Approval required. Work on a project shall not proceed beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either determine the portion of the project that is satisfactory as completed, or shall notify the *permit* holder or authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, concealed, or used until authorized by the *code official*.

108.6 Notice of approval. After all prescribed inspections or tests indicate the project complies with this code, a certificate of completion complying with Section 109 shall be issued by the code official.

SECTION 109 CERTIFICATE OF COMPLETION AND OCCUPANCY

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the *International Residential Code*.
2. The *code official* shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 442 STOP WORK ORDER

110.1 442.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

110.2 442.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property involved, or to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

110.2.1 442.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

110.3 442.4 Failure to comply Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

SECTION 111 406 VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or

2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 ~~107.2~~ Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit or structure violation* into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties ~~right to file a lien~~ in accordance with Section 111.3 ~~406.3~~.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. ~~The *code official* shall serve a notice of violation or order in accordance with Section 107.~~

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

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. ~~The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.~~

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. ~~Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.~~

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. ~~Delivered personally;~~
2. ~~Sent by certified or first-class mail addressed to the last known address; or~~

3. ~~If 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.~~

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

~~**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.~~

~~**107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

SECTION 112 444 MEANS OF APPEAL

112.1 444.4 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

112.1.1 444.8 Stays of enforcement. The filing of an appeals of notice or orders, except for notice or order concerning (other than Imminent Danger notices), shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 444.2 Membership of board. The board of appeals shall consist of five members a minimum of three members who are qualified by experience and training to pass on matters pertaining to the provisions of this code property maintenance and who are not employees of the jurisdiction. ~~The *code official* shall be an ex officio member but shall have no vote on any matter before the board.~~ The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 444.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *code official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 444.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

112.2.4 444.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

112.2.6 411.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 411.2.5 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 411.4.4 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 411.3 Notice of meeting. The board shall a hearing meet upon notice from the chairman, within 10 20 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 411.4 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. ~~A quorum shall consist of not less than two-thirds of the board membership.~~

112.3.4 411.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

112.4 411.6 Board decision. The board shall modify or reverse the decision of the *code official* ~~only~~ by a concurring vote of a majority of the total number of appointed board members.

112.4.1 411.6.1 Records and copies Resolution. The decision of the board shall be by resolution ~~recorded~~. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 411.6.2 Administration Action by code official. The *code official* shall take immediate action in accordance with the decision of the board.

112.5 411.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 113 **FEES**

113.1 Payment of fees. A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 have been paid.

113.2 Fee schedule. The fees for permits and other considerations shall be in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.4 Work commencing before permit issuance. Any person who commences any work on a project requiring a permit before obtaining the necessary permits shall be subject to a fee established by the *code official* that shall be in addition to the required permit fees.

113.5 Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

~~**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. [JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]~~

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 108 UNSAFE STRUCTURES, AND EQUIPMENT, AND CONDITIONS

~~**120.1 108-1 General.** When a~~ If any building, structure, or premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official* to be unsafe, or when a structure is found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the *code official* or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, alterations, remodeling, removing or demolition shall be referred to the *building official*.

~~**120.1.2 108-1.1 Unsafe structures.** An unsafe structure is one~~ a structure that is found to be dangerous to the life, health, property or safety of the public or the *occupants* when:

1. There are no of the structure by not providing minimum safeguards provided to protect or warn *occupants* in the event of fire, or
2. Because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, unsafe or is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

~~**120.1.3 108-1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the~~ premises or within the structure which is in such disrepair or condition that such equipment is constitutes a hazard to life, health, property or safety of the public or the *occupants* of the *premises* or structure.

120.1.4 ~~108.1.3~~ Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because of the degree to which the structure is in of disrepair or lacks its want of maintenance, is insanitary, vermin or rat infested, ~~contains filth~~ filthy and contaminated contamination, ~~or lacks~~ lacking ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the ~~location of the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the occupants of the structure or to the public.~~

120.1.5 ~~108.1.4~~ Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code law.

120.1.6 ~~108.1.5~~ Dangerous Structure or premises and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that has any or all of the following conditions or defects ~~described below~~ shall be considered dangerous, and shall constitute an unsafe structure:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance 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 natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration, decay*, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for 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 clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be 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 sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

120.2 ~~108.2~~ Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal means resource.

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or the fire department official in charge of the incident.

120.4 408.3 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2 407.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1 407.2.

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 408.4 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "UNSAFE" or "Condemned" as applicable, and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

120.5.1 408.4.4 Placard removal. The *code official* shall remove the ~~condemnation~~ placard whenever the unsafe conditions defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction this code.

120.6 408.5 Prohibited occupancy. Any ~~occupied~~ structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded *premises*, or to operate or allow others to operate any placarded equipment. ~~Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.~~

120.7 408.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct ~~cause to be abated or corrected~~ such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 408.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the code official for the period required for retention of public records.

SECTION 121 409 EMERGENCY MEASURES

121.1 409.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure ~~which that~~ endangers life, or when any ~~structure~~ building or part of a ~~structure~~ building has fallen and life is endangered by the occupation of the ~~structure~~ building, or when there is actual or potential danger to the 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 defective or dangerous equipment, the *code official* is

hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

121.2 409.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 409.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 409.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 409.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

121.6 409.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 **SERVICE UTILITIES**

122.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the *code official*.

122.2 Temporary connection. The *code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, or power.

122.3 ~~408.2.1~~ Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards ~~set forth in Section 102.7~~ in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 123 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

123.1 General. The *code official* is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

123.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 Termination of approval. The *code official* is authorized to terminate such permit and to order the temporary structure, equipment, system or use to be discontinued.

SECTION 124 MAINTENANCE

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.1.1 402.2 Specific maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the code official at all times, or such records as designates shall be filed with the code official.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

SECTION 125 440 DEMOLITION

125.1 440.1 General. The code official shall order the owner of any premises upon which is located any structure, ~~which that~~ in the code official judgment ~~after review~~ is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, ~~the code official shall order the owner to board up and hold for recommencement of work, or to demolish and remove such structure, or board up until future repair.~~ Boarding the building up for future repair or recommencement of work shall not extend beyond one year, unless approved by the building code official.

125.2 440.2 Notices and orders. All notices and orders shall comply with Section 111.2 407.

125.3 440.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

125.4 440.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 440.5 Existing remedies. The provisions in this code 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~~ or insanitary.

2. Revise and add the following definitions to the IPMC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a *permit*, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a *permit*.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. ~~Approved~~ Approval by the *code official* as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been *approved* by the *code official*.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with *approved construction documents* and the requirements of this code.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed or a portion thereof. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART IX – IPSDC

1. Revise IPSDC (Item 1-J) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Private Sewage Disposal Code of [NAME OF JURISDICTION] hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of private sewage disposal systems. Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where a public sewer is not available to the property served. Unless specifically approved, the *private sewage disposal system* of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

101.3 ~~101.6~~ Purpose Intent. The purpose of this code is to provide establish the minimum requirements standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of private sewage disposal systems.

101.4 ~~101.7~~ Severability. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 ~~102.2~~ Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable govern. Where, in a any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 ~~102.3~~ 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 this code.

102.3 ~~402-10~~ Referenced codes and standards. The codes and standards referenced in this code shall be ~~those that are listed in Chapter 14 and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.~~ Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

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

102.4 ~~401-2.4~~ Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 ~~402-4~~ Existing structures and systems installations. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public. ~~Private sewage disposal systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by the system.~~

102.5.1 ~~402-8~~ Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.6 ~~405-2~~ Alternative materials, design, methods, and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative ~~material or method of construction~~ shall be approved where the code official finds that the proposed alternative design is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

102.6.1 Matters regulated by the *International Building Code*. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 ~~402-11~~ Requirements not covered by code. Any Requirements necessary for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment ~~private sewage disposal system~~, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the code official.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.9 ~~406-2.4~~ Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 ~~407-3~~ Contractor's responsibilities. It shall be the duty of Every contractor who enters into contracts for the installation or repair of private sewage disposal systems for which a permit is required to shall comply with adopted state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 401.3 Public sewer connection. Where public sewers become available to the premises served, the use of the *private sewage disposal system* shall be discontinued within that period of time required by law, but such period shall not exceed 1 year. The building sewer shall be disconnected from the *private sewage disposal system* and connected to the public sewer.

102.11.2 401.4 Abandoned systems. Abandoned *private sewage disposal systems* shall be plugged or capped in an approved manner. Abandoned treatment tanks and *seepage pits* shall have the contents pumped and discarded in an approved manner. The top or entire tank shall be removed and the remaining portion of the tank or excavation shall be filled immediately.

102.11.3 401.5 Failing system. When a *private sewage disposal system* fails or malfunctions, the system shall be corrected or use of the system shall be discontinued within that period of time required by the code official, but such period shall not exceed 1 year.

102.11.3.1 401.5.1 Failure. A failing *private sewage disposal system* shall be one causing or resulting in any of the following conditions:

1. The failure to accept sewage discharges and backup of sewage into the structure served by the *private sewage disposal system*.
2. The discharge of sewage to the surface of the ground or to a drain tile.
3. The discharge of sewage to any surface or ground waters.
4. The introduction of sewage into saturation zones adversely affecting the operation of a *private sewage disposal system*.

102.11.4 402.6 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any *private sewage disposal system* shall conform to that required for a new system without requiring the existing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded. Minor additions, alterations, renovations and repairs to existing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

102.11.5 402.7 Change in occupancy. It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

102.11.6 402.9 Moved buildings. Except as determined by Section 102.5.1.1 402.4, *Private sewage disposal systems* that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PRIVATE SEWAGE DISPOSAL INSPECTION

103.1 General. The Department of Private Sewage Disposal Inspection, herein referred to as “the department,” is hereby created and the executive official in charge thereof shall be known as established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The code official, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The code official shall receive applications, review construction documents, and issue permits required by this code ~~for the installation and alteration of private sewage disposal systems~~, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

104.3 104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 104.3 Inspections. The code official shall make all of the required inspections, or the code official shall have the authority to accept reports of inspection by approved agencies or individuals. ~~All~~ Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 104.4 Right of entry. ~~Whenever~~ Where it is necessary to make an inspection to enforce the provisions of this code, or ~~whenever~~ where the code official has reasonable cause to believe that there exists in ~~any building a structure~~ or upon ~~any a~~ premises ~~any conditions or violations~~ a condition which is contrary to or in violation of this code ~~that make which makes~~ the building structure or premises unsafe, insanitary, dangerous, or hazardous, the code official ~~shall have the authority~~ is authorized to enter the building structure or premises at all reasonable times to inspect or to perform the duties imposed on the code official by this code, ~~provided that~~ provided that if such building structure or premises ~~is be~~ occupied, ~~the code official shall present that~~ credentials be presented to the occupant and ~~request entry requested.~~ If such building structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building structure or premises and ~~request entry requested.~~ If entry is refused, the code official ~~has~~ shall have recourse to ~~every remedy~~ the remedies provided by law to secure entry.

104.6.1 Warrant. When the code official ~~shall have~~ has first obtained a proper inspection warrant or other remedy provided by law to secure entry, ~~ne~~ an owner or occupant or person having charge, care or control of any building structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 106 PERMITS

105.1 406.1 When Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *code official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned. ~~Work on a private sewage disposal system shall not commence until a permit for such work has been issued by the code official.~~

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 Permit not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the *code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to*, *alteration of*, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS EXEMPT FROM PERMITS FOR THIS CODE]

105.3 406.2 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall contain a description of the type of system, the system location, the occupancy of all parts of the structure and all portions of the site or lot not covered by the structure, and such additional information as is required by the code official. The maximum number of bedrooms for residential occupancies shall be indicated. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. Permit valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

105.4 406.3 Action on application Permit issuance. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.4 have been paid, a permit shall be issued to the applicant. A private sewage disposal system permit shall not be transferable.

105.4.1 406.2.2 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 406.3.4 Conditional permits. The code official shall have the authority is authorized to issue a permit for the construction or operation of a part of a project a private sewage disposal system such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed only to the point for which approval has been given, at his or her the permit holder's own risk, and without assurance that the permit for the entire system project will be granted.

105.5 406.2.3 Time limitation of application. An application for a permit for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 406.3.2 Validity of permit. The issuance or granting of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. No permit Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said the construction documents and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of the jurisdiction.

105.7 406.3.4 Extensions of permit. Any permittee holding For an unexpired permit, shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work cannot be commenced within the time required by this section for good and satisfactory reasons. the code official shall extend the time for action by the permittee for a period not exceeding is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

105.8 406.3.3 Expiration of permit. Every permit issued by the code official under the provisions of this code shall become invalid unless expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance from the date of the permit, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced for a period of 180 days.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences can be recommenced, a new permit shall be first be obtained, and the fee therefor shall be one-half the amount required for a new permit for such work, The new permit shall be issued provided no changes have been or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 4 one year.

105.9 406.3.5 Suspension or revocation of permit. The code official ~~shall have the authority~~ is authorized to suspend or revoke a permit issued under the provisions of this code ~~wherever whenever~~ the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.10 406.3.7 Posting of permit. The permit Issued permits or a copy thereof shall be kept on the site of the project work until the completion of the project.

SECTION 106 **SUBMITTAL DOCUMENTS**

106.1 406.2.1 Construction documents General. Submittal documents consisting of construction documents and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the code official. The code official shall require construction documents and other data to be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.

An application for a permit shall be accompanied by not less than two copies of construction documents drawn to scale, with sufficient clarity and detail dimensions showing the nature and character of the work to be performed

Exception: The code official is permitted authorized to waive the requirements for filing submission of construction documents and other data not required to be prepared by a registered design professional if the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code, where the work involved is of a minor nature. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information.

106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 Information on construction documents. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the code official. Plans shall be to scale and be on suitable material. Electronic media documents are permitted to be submitted when approved by the code official.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.3 Specific information. The following are specific requirements for submittal documents required by this code.

~~406.2.6~~ **106.2.3.1 Additional site plan information.** A site plan shall be filed showing, to scale, the following:

1. The location of all septic tanks, holding tanks or other treatment tanks;
2. Building sewers; wells;
3. Water mains;

4. Water service;
5. Streams and lakes;
6. *Flood hazard areas*;
7. Dosing or pumping chambers;
8. Distribution boxes;
9. Effluent systems;
10. Dual disposal systems;
11. Replacement system areas; and
12. The location of all buildings or structures.
13. All separating distances and dimensions ~~shall be shown~~, including any distance to adjoining property.
14. A vertical elevation reference point and a horizontal reference point shall be indicated.
15. For other than single-family dwellings, grade slope with contours shall be shown for the grade elevation of the entire area of the soil absorption system and the area on all sides for a distance of 25 feet (7620 mm).

106.2.3.2 Specifications shall include pumps and controls, dose volume, elevation differences (vertical lift), pipe friction loss, pump performance curve, pump model and pump manufacturer.

106.2.3.3 106.2.5 Soil data. Soil test reports shall be submitted indicating *soil boring* and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations shall be given for all *soil borings*. Soil reports shall bear the signature of a soil tester.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *code official*.

106.4 Examination of documents. The *code official* shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 106.3.4 Approved Approval of construction documents. When the code official issues the a permit where construction documents are required, the construction documents and other data shall be endorsed in writing and stamped or by stamp, as "APPROVED." One set of *construction documents* and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the *code official* or a duly authorized representative. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.7 406.3.6 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted project work, or for the period required for retention of public records as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 107 405 MODIFICATIONS, TESTING, AND APPROVAL

107.1 405.4 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative provided that the code official shall first find that special individual reason makes the strict letter of this code impractical, and the modification is in conformance conformity with the intent and purpose of this code, and that such modification does not lessen health, and fire and life safety life and fire safety, accessibility, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Private Sewage Disposal Inspection department.

107.2 405.6 Approved materials and equipment. All materials, equipment, and devices approved by the code official shall be constructed and installed in accordance with such approval.

107.3 405.5 Used materials, appliances and equipment. The use of used materials which that meet the requirements of this code for new materials is permitted. Materials, Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned, and tested when necessary, and placed in good and proper working condition, and approved by the code official.

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

107.5 405.2.4 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

107.6 405.3 Required testing Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the code official shall have the authority to require testing tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 405.3.4 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 405.3.2 Testing agency. All tests shall be performed by an approved agency.

107.6.4 405.3.3 Test Retention of reports. Reports of tests The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 407 INSPECTIONS

108.1 General. Construction or work on a project for which a permit is required shall be subject to inspection by the code official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions

of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. ~~107.1.1 Concealed work.~~ It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or appliances installed to replace such existing *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

108.2 407.4 Required inspections and testing. The *code official*, upon notification, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4. ~~After issuing a permit, the code official shall conduct inspections from time to time during and upon completion of the work for which a permit has been issued. A record of all such examinations and inspections and of all violations of this code shall be maintained by the code official.~~

108.2.1 Specific inspections. The following are specific inspections and tests required by this code.

108.2.1.1 Underground inspection. An underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.

108.2.1.2 407.6 Testing. Installations shall be tested as required in this code and in accordance with Sections ~~407.6.1~~ 108.2.1.2.1 through ~~108.2.1.2.2 407.6.3.~~ Tests shall be made by the permit holder and observed by the code official.

108.2.1.2.1 407.6.1 New, altered, extended or repaired installations. New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

108.2.1.2.2 407.6.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.

108.2.1.3 Prefabricated construction. Inspection of prefabricated construction shall comply with Sections 108.2.1.3.1 through 108.2.1.3.4.

108.2.1.3.1 407.5 Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the *private sewage disposal system*, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information and other data as necessary for the code official to determine conformance to this code.

108.2.1.3.2 407.5.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

108.2.1.3.3 407.5.2 Follow-up inspection. Except where ready access is provided to *private sewage disposal systems*, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the installation shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

108.2.1.3.4 407.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the installation and the erection of the building; or such records as the code official designates shall be filed.

108.2.1.4 407.2 Alternative engineered designs ~~Special inspections.~~ Special inspections of alternative engineered design *private sewage disposal systems* shall be conducted in accordance with Sections ~~407.2.1~~ 108.2.4.1 and 108.2.4.2 ~~407.2.2.~~

108.2.1.4.1 107-2.4 Periodic inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved plans. All discrepancies shall be brought to the immediate attention of the *private sewage disposal system* contractor for correction. Records shall be kept of all inspections.

108.2.1.4.2 107-2.2 Written report. The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the *private sewage disposal system* shall not be issued until a written certification has been submitted.

108.2.2 107-1.2 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

107.6.3 Reinspection and testing. ~~Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.~~

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made after all work on a project required by the permit is completed.

108.3 107-1.3 Approved Inspection agencies. The code official ~~shall~~ is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 107-3.1 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 107-4 Approval required. ~~Work on a project shall not proceed be done~~ beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either ~~indicate~~ determine the portion of the ~~project construction~~ that is satisfactory as completed, or shall notify the permit holder or ~~his or her~~ authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, ~~or~~ concealed, or used until authorized by the code official.

108.6 107-7 Notice of approval. After the all prescribed inspections or tests indicate that the work complies in ~~all~~ respects with this code, a ~~notice of approval~~ certificate of completion complying with Section 109 shall be issued by the code official.

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

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the *International Residential Code*.
2. The *code official* is shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 **STOP WORK ORDER**

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

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

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

110.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction.

~~**108.5 Stop work orders.** Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

~~**108.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of the *private sewage disposal system* on or about any premises.~~

SECTION 111 408 VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

~~**108.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or use any private sewage disposal system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

~~**108.2 Notice of violation.** The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of private sewage disposal work in violation of the provisions of this code; in violation of a detailed statement or the approved construction documents thereunder or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

~~**108.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful system in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

~~**108.4 Violation penalties.** Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

SECTION 112 409 MEANS OF APPEAL

~~**112.1 409.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or the requirements of this code are adequately satisfied by other means an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

~~**112.1.1 Stays of enforcement.** The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.~~

~~**112.2 409.2 Membership of board.** The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms. appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

~~**112.2.1 409.2.2 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 five years or until a successor has been appointed.~~

~~**112.2.2.** An employee of the jurisdiction shall not be a member of the board of appeals. The code official shall be an ex officio member of the board but shall have no vote on any matter before the board.~~

~~**112.2.3 409.2.3 Chairman.** The board shall annually select one of its members to serve as chairman.~~

~~**112.2.4 409.2.5 Secretary.** The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~**112.2.5 409.2.4 Qualifications.** The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.~~

1. Registered design professional that is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire-protection contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.

112.2.6 ~~109.2.4~~ Disqualification of a member. A member shall not hear an appeal in which that member has any personal, professional or financial interest.

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 ~~109.2.6~~ Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 ~~109.4.1~~ Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 ~~109.3~~ Notice of meeting. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 ~~109.4~~ Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

112.3.4 ~~109.5~~ Postponed hearing. When the full board is five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

112.4 ~~109.6~~ Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of a majority of the total number of appointed board members ~~three members~~.

112.4.1 ~~109.6.1~~ Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 ~~109.6.2~~ Administration Action by code official. The code official shall take immediate action in accordance with the decision of the board.

112.5 ~~109.7~~ Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 113 **FEES**

113.1 ~~106.4~~ Payment of fees. A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 ~~106.4.2~~ have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the ~~private sewage disposal system~~, has been paid.

113.2 ~~106.4.2~~ Fee schedule. The fees for permits and other considerations ~~all private sewage disposal work~~ shall be as indicated in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.4 ~~106.4.1~~ Work commencing before permit issuance. Any person who commences any work on a project requiring a permit on a ~~private sewage disposal system~~ before obtaining the necessary permits shall be subject to 400 percent of the usual permit a fee established by the code official that shall be in addition to the required permit fees.

113.5 ~~106.4.4~~ Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the code official that shall be in addition to the required permit fees. The fee may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 ~~106.4.3~~ Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
- 3 ~~2.~~ Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
2. ~~3.~~ Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been done under a permit issued in accordance with this code.

~~The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee no later than 180 days after the date of fee payment.~~

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 **UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the code official, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

~~**108.7 Unsafe systems.** Any private sewage disposal system regulated by this code that is unsafe or constitutes a health hazard, insanitary condition or is otherwise dangerous to human life is hereby declared unsafe. Any use of private sewage disposal systems regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.~~

120.1.1 Notice to building official. Abatement requiring repairs, alterations, remodeling, removing or demolition shall be referred to the building official.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The code official or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or the fire department official in charge of the incident.

120.4 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 120.4.1.

108.7.1 Authority to condemn equipment. Whenever the code official determines that any private sewage disposal system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such system be either removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective private sewage disposal system after receiving such notice. When such system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

120.4.1 Form of notice. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The code official shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the code official shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure condemned and placarded by the code official shall be vacated as ordered by the code official. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 **SERVICE UTILITIES**

122.1 ~~407.9~~ Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, or power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until authorized by the code official.

122.2 ~~407.8~~ Temporary connection. The code official shall have the authority to allow the temporary connection of an installation the building, structure or system to the sources of energy, fuel, power, water system or sewer system for the purpose of testing the installation or for use under a temporary certificate of occupancy.

122.3 ~~408.7.2~~ Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards ~~the technical codes~~ in case of emergency, where necessary, to eliminate an immediate danger to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The

code official shall notify the serving utility and, where wherever possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as is practical thereafter.

SECTION 123 440 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

123.1 440.1 General. The code official is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

123.2 440.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 440.4 Termination of approval. The code official is authorized to terminate such permit ~~for a temporary structure or use~~ and to order the temporary structure, equipment, system or use to be discontinued.

~~110.3 Temporary utilities.~~ The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

SECTION 124 **MAINTENANCE**

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.1.1 402.5 Specific maintenance. *Private sewage disposal systems, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards that are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of private sewage disposal systems. To determine compliance with this provision, the code official shall have the authority to require reinspection of any private sewage disposal system.*

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the code official at all times, or such records as designates shall be filed with the code official.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The code official shall order the owner of any premises upon which is located any structure that in the code official's judgment is deteriorated or dilapidated, or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the

structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless approved by the code official.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions to the IPSCD:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with approved construction documents and the requirements of this code.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code or a duly authorized representative.

CONSTRUCTION DOCUMENTS. All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. ~~The construction drawings shall be drawn to an appropriate scale.~~

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities

or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An individual architect or engineer who is registered or licensed to practice their respective design profession, as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART X – IWUIC

1. Revise IWUIC (Item 1-L) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1 - GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the *Wildland-Urban Interface Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises within ~~the wildland-urban interface areas in this jurisdiction.~~

~~Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.~~

~~**101.3 Purpose Objective.** The objective purpose of this code is to establish minimum requirements regulations consistent with nationally recognized good practice for the safeguarding of life and property. The regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures, and to mitigate structure fires from spreading to wildland fuels. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.~~

~~**101.3.1 Safeguards** The unrestricted use of property in *wildland-urban interface areas* is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in *wildland-urban interface areas* shall be in accordance with this code.~~

~~**101.4 Severability.** If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.~~

~~**102.5 101.5 Validity Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.~~

~~**101.6 402.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.~~

SECTION 102 APPLICABILITY

~~**102.1 General.** Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable govern. Where, in a any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.~~

~~**402.3 102.2 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.~~

~~**402.4 102.3 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 7 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply govern.~~

~~**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.~~

~~**102.4 401.2.4 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.~~

~~**402.6 102.5 Existing structures and systems conditions.** The legal occupancy or use of any structure or installed system condition existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code* or the *International Fire Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.~~

~~**102.5.1 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.~~

~~**102.6 405.3 Alternative materials, design, or methods and equipment.** The code official, in concurrence with approval from the *building official* and fire chief, is authorized to approve alternative materials or methods, provided that the The provisions of this code are not intended to prevent the installation of any material, or the use or operation~~

of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative shall be approved where code official finds that the proposed alternative design, use or operation satisfactorily is satisfactory and complies with the intent of the provisions of this code and that the alternative is, for the purpose intended, at least equivalent to the level of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code.

102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternate material or method involves matters regulated by the *International Building Code*.

102.7 404.5 Requirements not covered by code Matters not provided for. Requirements that are essential necessary for the public safety strength, stability, or proper operation of an existing or proposed activity, building or fixture, structure, or for the public safety, health, and general welfare, of the occupants thereof, which are not specifically provided for covered by this code, shall be determined by the code official consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

102.8 404.4 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or policies bylaws adopted by the jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 408.11 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 Supplement of other codes. This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the *wildland-urban interface areas*.

102.11.2 401.4 Retroactivity. The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions which, in the opinion of the code official, constitute a distinct hazard to life or property.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

102.11.3 401.5 Additions or alterations. Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

102.11.3.1 Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

102.11.4 401.2 Moved buildings. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

102.11.5 Unusual circumstances. If the code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended, provided that reasonable alternative measures are taken.

PART 2 - ADMINISTRATION AND ENFORCEMENT ADMINISTRATIVE PROVISIONS

SECTION 103 DEPARTMENT OF WILDLAND-URBAN INTERFACE ENFORCEMENT AGENCY

103.1 Creation of enforcement agency General. The Department of Wildland-Urban Interface, herein referred to as "the department." [~~INSERT NAME OF DEPARTMENT~~] is hereby created and the official in charge thereof shall be ~~known as~~ established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 ~~104.3~~ Liability of the code official. The code official, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered ~~personally liable personally, and is hereby relieved from all personal liability~~ for any damages ~~that may accrue~~ accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of ~~such~~ official duties.

103.5 Legal defense. A Any suit brought instituted against the ~~code official~~ an officer or employee of the department because of such act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code. Any officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. ~~or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction. The code enforcement agency or its parent jurisdiction shall not be held as assuming any liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.~~

SECTION 104 DUTIES AND POWERS AUTHORITY OF THE CODE OFFICIAL

104.1 ~~General Powers and duties of the code official.~~ The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

~~104.2 Interpretations, rules and regulations.~~ ~~The code official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance to the intent and purpose of this code.~~

104.1.1 A copy of such ~~rules and regulations~~ policies and procedures shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

104.26 Applications and permits. The code official is authorized to receive applications, review construction documents, and issue permits required for construction regulated by this code, ~~issue permits for operations regulated by this code,~~ inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

104.3 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.10 109.2 Enforcement. Enforcement shall be in accordance with Sections 109.2.1 and 109.2.2.

104.10.1 109.2.1 Authorization to issue corrective orders and notices. When the code official finds any building or premises that are in violation of this code, the code official is authorized to issue corrective orders and notices.

104.10.2 109.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

104.10.3 Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

104.4 Inspections. The *code official* shall make all of the required inspections, or the *code official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 409.3 Right of entry. ~~Whenever~~ Where necessary to make an inspection to enforce any of the provisions of this code, or ~~whenever~~ where the code official has reasonable cause to believe that there exists in ~~any building a structure~~ or upon any a premises any condition that makes such a condition which is contrary to or in violation of this code which makes the building structure or premises unsafe, dangerous, or hazardous, the code official is authorized to enter such building structure or premises at all reasonable times to inspect the same or to perform any duty authorized the duties imposed by this code, provided that if such building structure or premises is be occupied, the code official shall first present proper that credentials be presented to the occupant and request entry requested.; and If such building structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons person having charge or control of the building structure or premises and request entry. If such entry is refused, the code official shall have recourse to ~~every remedy~~ the remedies provided by law to secure entry.

104.6.1 Warrant. When the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person ~~Owners, occupants or any other persons~~ having charge, care or control of any building structure or premises, shall ~~not fail or neglect~~, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The *code official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.7 104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction. When requested to do so by the code official, other officials of this jurisdiction shall assist and cooperate with the code official in the discharge of the duties required by this code.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION 105 407 PERMITS

107.1 General. When not otherwise provided in the requirements of the building or fire code, permits are required in accordance with Sections 107.2 through 107.10.

105.1 407.2 Permits required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, demolished or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the permit.

105.1.1.1 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times, or such records shall be filed with the code official as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the code official.

105.1.3 Permits specifically required. The following specifically require a permit.

105.1.3.1 Other permits required. When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within a ~~an~~ wildland-urban interface area:

1. Automobile wrecking yard.
2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Liquefied petroleum gases.
8. Lumbeyards.
9. Motor vehicle fuel-dispensing stations.
10. Open burning.
11. Pyrotechnical special effects material.
12. Tents, canopies and temporary membrane structures.
13. Tire storage.
14. Welding and cutting operations.

105.1.3.2 Temporary uses. For buildings or structures erected for temporary uses, see Section 123 and Appendix A, Section A108.3, of this code.

105.2 407.3 Permit not required Work exempt from permit. Unless otherwise provided in the requirements of the International Building Code or International Fire Code, a permit shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.2 Repairs. Application or notice to the code official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of *generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.*

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit.

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m²) and the structure is located more than 50 feet (15 240 mm) from the nearest adjacent structure.
2. Fences not over 6 feet (1829 mm) high.

105.3 107.4 Application for permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department code enforcement agency for that purpose. ~~Every~~ Such application shall:

1. Identify and describe the project work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed project work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, or project work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed project work, activity, operation, practice or function is intended.
4. Be accompanied by construction documents plans, diagrams, computation and specifications and other data as required in Section ~~106 408~~ of this code.
5. State the valuation of the proposed project any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as ~~may be~~ required by the code official.

105.3.1 Permit valuations. *Permit valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.*

105.4 107.5 Action on application Permit approval. ~~Before a permit is issued, The code official, or an authorized representative, shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable. review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from all agencies or departments concerned.~~

105.4.1 107.4.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and ~~approve~~ evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 108.12 Phased approval Conditional permits. The code official is authorized to issue a permit for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit ~~for the foundation or other parts of a building or structure~~ shall proceed only to the point for which approval has been given, at the permit holder's own risk, with the building operation and without assurance that a permit for the entire project structure will be granted.

~~The code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the code official.~~

~~107.6 Permit issuance.~~ The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the code official is allowed to issue a permit to the applicant.

~~107.6.1 Refusal to issue a permit.~~ Where the application or construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor.

~~105.5 107.4.2 Time limitation of application.~~ An application for a permit for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~105.6 107.7 Validity of permit.~~ The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or ~~cancel conceal~~ the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data.

~~105.7 Extensions of permit.~~ Any permittee holding ~~For an unexpired permit,~~ may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. ~~the code official may extend the time for action by the permittee for a period not exceeding is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. or~~ written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

~~105.8 107.8 Expiration of permit.~~ Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or become invalid unless the work on the site authorized by such permit is ~~not~~ commenced within 180 days after its issuance from the date of such permit, or if the building, use or work authorized on the site by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days after the time the work is commenced.

~~105.8.1 Recommencement of work.~~ Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

~~105.9 107.10 Suspension or revocation of permits.~~ The code official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. Permits issued under this code may be suspended or revoked when it is determined by the code official that:

- ~~1. It is used by a person other than the person to whom the permit was issued.~~
- ~~2. It is used for a location other than that for which the permit was issued.~~
- ~~3. Any of the conditions or limitations set forth in the permit have been violated.~~
- ~~4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this code within the time provided therein.~~
- ~~5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.~~
- ~~6. When the permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.~~

~~The code official is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.~~

~~105.10 107.9 Posting of permit. Retention of permits.~~ Issued permits or copy thereof shall be kept on the site of the project until the completion of the project. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official or other authorized representative.

SECTION 106 108
SUBMITTAL DOCUMENTS
PLANS AND SPECIFICATIONS

106.1 408.1 General. Plans, engineering calculations, diagrams Submittal documents consisting of construction documents and other supporting data shall be submitted in at least two or more sets with each application for a permit, and in such form and detail as required by the *code official*. The *code official* shall require construction documents and other data to ~~shall~~ be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional necessary construction documents to be prepared by a registered design professional.

Exception: The *code official* is authorized to waive the submission of ~~plans, calculations, construction inspection requirements~~ construction documents and other data not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that ~~reviewing~~ review of construction documents ~~plans~~ is not necessary to obtain compliance with this code.

106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 408.2 Information on construction documents plans and specifications. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *code official*. ~~Plans and specifications shall be drawn to scale and be on suitable material. upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.~~ Electronic media documents are permitted to be submitted when approved by the code official.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *code official* is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 408.3 Additional site plan information. In addition to the requirements for plans in the *International Building Code*, site plans shall include:

1. topography,
2. width and percent of grade of access roads,
3. landscape and vegetation details,
4. locations of structures or building envelopes,
5. existing or proposed overhead utilities,
6. occupancy classification of buildings,
7. types of ignition-resistant construction of buildings, structures and their appendages,
8. roof classification of buildings, and
9. site water supply systems.

~~The code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.~~

106.2.3.2 408.4 Vegetation management plans. When utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit.

106.2.3.3 408.5 Fire protection plan. When required by the code official pursuant to Section 405, a fire protection plan shall be prepared and shall be submitted to the code official for review and *approved* as a part of the plans required for a permit.

106.2.3.4 408.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet (91 440 mm) of property lines, including other structures, slope, vegetation, *fuel breaks*, water supply systems and access roads.

106.2.3.5 408.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved by the code official*.

106.4 408.9 Examination of documents. The code official shall examine or cause to be examined the accompanying submittal ~~construction~~ documents and shall ascertain by such examinations whether the ~~construction project~~ indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 407.6 Approval of construction documents. When the code official issues the a permit, the ~~code official~~ *construction documents* and other data shall endorsed, in writing or by stamp, as the plans and specifications "APPROVED." One set of *construction documents* and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the *code official* or a duly authorized representative. Such ~~approved plans and specifications~~ *construction documents* shall not be changed, modified or altered without authorization from the code official, and All work regulated by this code shall be done in accordance with the *approved construction documents* plans.

106.6 408.10 Amended construction documents. Any changes made during construction that are not in compliance with the *approved construction* documents shall be resubmitted for approval as an amended set of construction documents.

~~106.7 408.8~~ **Retention of construction documents plans.** One set of *approved construction documents plans, specifications and computations* shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted project work or for the period required for retention of public records, as required by state or local laws; and one set of *approved plans and specifications* shall be returned to the applicant, and said set shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress.

SECTION 107 405 MODIFICATIONS, TESTING, AND APPROVAL COMPLIANCE ALTERNATIVES

105.1 Modifications Practical difficulties. ~~When~~ Wherever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the code official is authorized to grant modifications for individual cases ~~on application in writing by the owner or a duly authorized representative.~~ provided the code official shall first find that a special individual reason makes enforcement of the strict letter of this code impractical, and the modification is in conformance ~~to with~~ the intent and purpose of this code, and ~~the~~ that such modification does not lessen ~~any fire protection requirements or any degree of health, life and fire safety, accessibility, or structural requirements integrity.~~ The details of any action granting modifications shall be recorded and entered into the files of the department code enforcement agency.

~~The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.~~

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

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

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

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

107.6 405.2 Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is shall have the authority authorized to require be tests conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. the owner or the person in possession or control of the building or premises to provide, The tests, opinions, recommendations and reports shall be made at no expense without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an approved agency.

107.6.4 Retention of reports. The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 109
INSPECTION AND ENFORCEMENT

108.1 409.1.1 General. All Construction or work on a project for which a *permit* is required shall be subject to inspection by the *building code official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *building code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling equipment or appliances installed to replace such existing equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

108.2 409.1 Inspection Required inspections and testing. ~~Inspections shall be in accordance with The code official,~~ upon notification, shall make the inspections and require the tests set forth in Sections 409.1.4 108.2.1 through 108.2.4 409.1.4.3.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code.

108.2.1.1 409.1.2 Authority to inspect. The code official shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the code official for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

108.2.1.2 Where required by the code official, a survey of the lot shall be provided to verify that the mitigation features are provided and the building or structure is located in accordance with the *approved* plans.

108.2.1.3 409.1.4 Testing. Installations shall be tested as required in this code and in accordance with Sections 409.1.4.1 108.2.3.1 through 108.2.3.2 409.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the code official.

108.2.1.3.1 409.1.4.1 New, altered, extended or repaired installations. New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

108.2.1.3.2 409.1.4.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

409.1.3 Reinspections. ~~To determine compliance with this code, the code official may cause a structure to be reinspected. A fee may be assessed for each inspection or Reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the code official. To obtain a reinspection, the applicant shall pay the Reinspection fee as set forth in the fee schedule adopted by the jurisdiction. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.~~

409.1.4.3 Reinspection and testing. ~~Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.~~

108.2.2 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made after all work on a project required by the *permit* is completed.

108.3 409.1.2.4 Approved Inspection agencies. The code official is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 409.1.2.2 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when a project work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 409.1.2.3 Approval required. Work on a project shall not proceed ~~be done~~ beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate determine the portion of the project construction that is satisfactory as completed, or notify the permit holder or ~~his or her~~ authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, ~~or concealed,~~ or used until authorized by the code official.

108.6 Notice of approval. After all prescribed inspections or tests indicate the work complies with this code, a certificate of completion complying with Section 109 shall be issued by the code official.

SECTION 109 110 CERTIFICATE OF COMPLETION AND OCCUPANCY

109.1 110.1 General Use and occupancy. No building, structure or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion ~~therefor~~ as provided herein. ~~The certificate of occupancy shall not be issued until the certificate of completion indicating that the project is in compliance with this code has been issued by the code official.~~

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
- 4- 2. Certificates of occupancy or completion are not required for work exempt from permits under Section 105.2 407.3.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
- 2- 4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. 110.2 Certificate of occupancy. Issuance of a certificate of occupancy or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.

3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the *International Residential Code*.
2. The *code official* shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 440.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

109.4 440.4 Revocation. The code official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building, or structure, premise, or portion thereof, or installation of appliance, equipment or system is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 110 444
STOP WORK ORDER

110.1 444.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *code official* is authorized to issue a stop work order.

110.2 444.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

110.2.1 444.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

110.3 444.4 Failure to comply Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

SECTION 111
VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or

4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

109.4 Compliance with orders and notices. ~~Compliance with orders and notices shall be in accordance with Sections 109.4.1 through 109.4.8.~~

109.4.1 General compliance. ~~Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains. If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.~~

109.4.2 Compliance with tags. ~~A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 109.4.1.~~

109.4.3 Removal and destruction of signs and tags. ~~A sign or tag posted or affixed by the code official shall not be mutilated, destroyed or removed without authorization by the code official.~~

109.4.4 Citations. ~~Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the code official shall be guilty of a misdemeanor.~~

109.4.6 Prosecution of violation. ~~If the notice of violation is not complied with promptly, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

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

109.4.8 Abatement of violation. ~~In addition to the imposition of the penalties herein described, the code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.~~

SECTION 112 106
MEANS OF APPEALS

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

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *code official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

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

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

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

112.4.2 Action by code official. The *code official* shall take immediate action in accordance with the decision of the board.

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

~~**406.1 General.** To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, building official and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.~~

~~**406.2 Limitations of authority.** The board of appeals shall not have authority relative to interpretation of the administrative provisions of this code and shall not have authority to waive requirements of this code.~~

SECTION 113 442 FEES

~~**113.1 442.1 Payment of fees.** A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 442.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~**113.2 Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**113.2 Fee schedule.** The fees for permits and other considerations shall be in accordance with the following schedule:
[JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]~~

~~**113.3 442.4 Related fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**113.4 442.3 Work commencing before permit issuance.** Any person who commences any work on a project requiring a permit before obtaining the necessary permits shall be subject to an additional a fee established by the code official that applicable governing authority, which shall be in addition to the required permit fees.~~

~~**113.5 Permit extension.** The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.~~

~~**113.6 Expiration of permit.** For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.~~

~~**113.7 Stop work order.** Any person who shall continue any work on a project requiring a permit after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

112.5 Refunds. The applicable governing authority is authorized to establish a refund policy.

113.9 Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 **UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS**

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

109.4.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 409.4.5.6 Evacuation. The code official or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to when such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

409.4.5.2 Notice. Where an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified, or their designee, to declare within a stipulated time to the code official acceptance or rejection of the terms of the order.

120.4.1 Form of notice. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 ~~109.4.5.2.1~~ Method of service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 ~~109.4.5.3~~ Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 ~~109.4.5.3.1~~ Placard removal. The code official shall remove the ~~unsafe condition~~ placard whenever the ~~defect or defects upon which the unsafe condition and placarding action were based~~ unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the code official shall be subject to the penalties provided for by the jurisdiction this code.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 ~~109.4.5.4~~ Abatement. The owner, operator or occupant of a building, structure, ~~or premises, or equipment~~ deemed unsafe by the code official shall abate or correct ~~or cause to be abated or corrected~~ such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

120.7.1 ~~109.4.5.5~~ Summary abatement. Where conditions exist that are deemed ~~hazardous to life and property an~~ *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the code official ~~or fire department official in charge of the incident~~ is authorized to ~~abate or correct~~ summarily *abate* such hazardous conditions ~~that are in violation of this code~~.

120.8 ~~109.4.5.4~~ Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the code official for the period required for retention of public records.

SECTION 121 EMERGENCY MEASURES

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.1.1 Summary abatement during an incident. Where conditions exist that are deemed an *imminent danger* that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION ~~122~~ 443 SERVICE UTILITIES

122.1 ~~443.1~~ Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, or power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required until ~~released~~ approved by the *code official*.

122.2 Temporary connection. The *code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, or power.

122.3 ~~443.2~~ Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards ~~set forth in Section 102.4~~ in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the ~~release approval~~ approval required by Section ~~122.1 or 122.2~~ ~~443.1~~. The *code official* shall notify the serving utility and, ~~whenever~~ wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION ~~123~~ 444 TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES

123.1 ~~444.1~~ General. The code official is authorized to issue a permit for temporary structures, equipment, systems and ~~temporary~~ uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

123.2 ~~444.2~~ Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 ~~444.3~~ Termination of approval. The code official is authorized to terminate such permit ~~for a temporary structure or use~~ and to order the temporary structure, equipment, system or use to be discontinued.

SECTION 124 MAINTENANCE

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.1.1 401.6 Specific maintenance. All buildings, structures, landscape materials, vegetation, *defensible space* or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 DEMOLITION

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *code official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions to the IWUIC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a *permit*, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a *permit*.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been *approved* by the *code official*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or the building official's a duly authorized representative.

CERTIFICATE OF COMPLETION. ~~Written documentation~~ A certificate stating that the project or work for which a permit was issued has been completed in ~~conformance~~ compliance with approved construction documents and the requirements of this code.

CODE OFFICIAL. The official officer or other designated authority by the jurisdiction to interpret and enforce this code, or the code official's authorized representative charged with the administration and enforcement of this code, or a duly authorized representative.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART XI – IZC

1. Revise IZC (Item 1-M) as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1 - SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Zoning Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 ~~401.3~~ Scope. The provisions of this code shall apply to the construction, addition, alteration, moving, repair, and use of any building, structure, parcel of land, or sign within a jurisdiction, except work located primarily in a public way, public utility towers and poles, and public utilities unless specifically addressed herein ~~mentioned in this code~~.

101.3 ~~401.2~~ Purpose Intent. The purpose of this code is to establish the minimum requirements to safeguard the health, property, and public welfare by controlling the design, location, use, or occupancy of all buildings and structures through the regulated and orderly development of land and land uses ~~within this jurisdiction~~.

101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

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

SECTION 102 APPLICABILITY FEES

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the ~~more~~ most restrictive shall govern.

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

102.3 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 403.1 Existing structures and systems General. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public. ~~Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided such continued use is not dangerous to life.~~

102.5.1 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.6 Alternative materials, design, methods and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with the intent of the provisions of this code, and that the alternative is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

102.6.1 Matters regulated by the *International Building Code*. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 Requirements not covered by code. Requirements necessary for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code.

102.11.1 404.6 Variations of uses. Uses are permitted within the various zones as described in this code and as otherwise provided herein. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/nonpermitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to Section 117.5 409.3.

102.11.2 403.5 Illegal uses. Uses that were illegally established prior to the adoption of this code shall remain illegal.

102.11.3 403.2 Additions, alterations or repairs. Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building or use.

102.11.4 403.4 Moved and temporary buildings, structures and uses. Buildings or structures moved into or within the jurisdictions shall comply with the provisions of this code for new buildings and structures.

102.11.5 404.7 Responsibility of owner. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

102.11.6 409.3 Amendments. This code shall be permitted to be amended, but all proposed amendments shall be submitted to the code official for review and recommendation to the commission.

PART 2 - ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF ZONING EXISTING BUILDINGS AND USES

103.1 General. The Department of Zoning, herein referred to as “the department,” is hereby established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 404.2 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, related technical officers, inspectors, and other employees. Such employees shall have powers as delegated by the code official. The code official may appoint such number of technical officers and other employees as shall be authorized from time to time. The code official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

103.4 404.7 Liability. The code official, or designee, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties described in required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability personally liable for any damage that may accrue accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of such official duties.

103.5 Legal defense. A Any suit brought against the code official an officer or employee of the department because such an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code. Any officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the jurisdiction.

101.3 In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction hereby shall not be enforceable in tort.

SECTION 104
DUTIES AND POWERS OF THE ZONING CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. This section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code.

104.6 Interpretations. The interpretation and application of the provisions of this code shall be by the code official. An appeal of an interpretation by the code official shall be submitted to the board of adjustment, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

104.1.1 Code official. The zoning code official and/or designee shall be referred to hereafter herein as "the code official."

104.2 Applications and permits. The code official shall receive applications, review construction documents, issue permits required by this code, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code. **104.3 Reviews and approvals.** The code official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

104.3 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The code official shall make all of the required inspections, or the code official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Cooperation of other officials and officers Assistance of other agencies. The code official shall be authorized is to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official.

SECTION 105 144
PERMITS AND APPROVALS

104.5 Administrative reviews and permits. ~~Administrative reviews and permits shall be in accordance with Sections 104.5.1 through 104.5.4.~~

105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *code official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit.[JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

105.2 Permit not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the *code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.*

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS EXEMPT FROM PERMITS FOR THIS CODE]

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefore in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. Permit valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

105.4 Action on application. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.

105.4.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

105.4.2 Conditional permits. The code official is authorized to issue a permit for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit shall proceed only to the point for which approval has been given, at the permit holder's own risk, and without assurance that a permit for the entire project will be granted.

105.5 Time limitation of application. An application for a permit for any proposed project shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~**411.1 General.** All departments, officials and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be null and void.~~

~~**104.5.1 Review of building permits.** All applications for building permits and amendments thereto shall be submitted to the code official for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.~~

~~**104.5.2 Site plan reviews.** The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.~~

~~**104.5.3 Conditional-use permits and variances.** The code official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.~~

105.6 411.3 Validity of permit licenses, permits and approvals. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data. For the issuance of any license, permit or approval for which the commission or board is responsible, the code official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

105.7 Extensions of permit. For an unexpired permit the code official is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.8 411.2 Expiration of permit or cancellation. Each license, Every permit or approval issued shall expire after become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time

~~the work is commenced. if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration.~~

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

105.9 Suspension or revocation of permit. The *code official* is authorized to suspend or revoke a *permit* issued under the provisions of this code whenever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. ~~Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.~~

105.10 Posting of permit. Issued permits or copy thereof shall be kept on the site of the project until the completion of the project.

SECTION 106 **SUBMITTAL DOCUMENTS**

106.1 General. Submittal documents consisting of construction documents and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the *code official*. The *code official* shall require construction documents and other data to be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The *code official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

106.2 Construction documents. *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 Information on construction documents. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *code official*. Plans shall be to scale and be on suitable material. Electronic media documents are permitted to be submitted when *approved by the code official*.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *code official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

106.2.3.1 Site plan. The site plan shall include an outline the use and development of the tract of land.

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *code official*.

106.4 Examination of documents. The *code official* shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 Approval of construction documents. When the *code official* issues a permit, the *construction documents* and other data shall be endorsed, in writing or by stamp, as "APPROVED." One set of *construction documents* and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the *code official* or a duly authorized representative. Such approved *construction documents* shall not be changed, modified, or altered without authorization from the *code official*. All work shall be done in accordance with the approved *construction documents*.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the approved *construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

106.7 Retention of construction documents. One set of approved *construction documents* shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted project, or for the period required for retention of public records.

SECTION 107 **MODIFICATIONS, TESTING, AND APPROVAL**

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

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

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

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

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

107.6 Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the *code official* shall have the authority to require tests conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an *approved agency*.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 Retention of reports. The technical opinions, recommendation, reports and test results shall be retained by the code official for the period required for retention of public records.

SECTION 108 **INSPECTIONS**

108.1 General. Construction or work on a project for which a *permit* is required shall be subject to inspection by the *code official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or appliances installed to replace such existing *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

108.2 Required inspections and testing. The *code official*, upon notification, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code. [JURISDICTION TO INSERT SPECIFIC REQUIRED INSPECTIONS]

108.2.2 Other inspections. In addition to the inspections specified above, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made after all work on the project required by the *permit* is completed.

108.3 Inspection agencies. The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 Inspection requests. It shall be the duty of the holder of the *permit* or their duly authorized agent to notify the *code official* when a project is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 Approval required. Work on a project shall not proceed beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either determine the portion of the project that is satisfactory as completed, or shall notify the *permit* holder or authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, concealed, or used until authorized by the *code official*.

108.6 Notice of approval. After all prescribed inspections or tests indicate the project complies with this code, a certificate of completion complying with Section 109 shall be issued by the *code official*.

SECTION 109 **CERTIFICATE OF COMPLETION AND OCCUPANCY**

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the *code official* has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the *code official* has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the *code official* shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.

5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family *Dwellings (townhouses)* constructed using the *International Residential Code*.
2. The *code official* shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The code official shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 STOP WORK ORDERS

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

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

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

110.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction.

SECTION 111 110 VIOLATIONS

111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of this jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of this jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A code official who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the code official shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the code official without the express authorization of the code official, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

110.1 Unlawful acts. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the code official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.

SECTION 112 409 MEANS OF APPEALS HEARINGS, APPEALS AND AMENDMENTS

112.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

109.2 Appeals. ~~Appeals shall be in accordance with Sections 109.2.1 through 109.2.3.~~

109.2.1 Filing. ~~Any person with standing, aggrieved or affected by any decision of the code official shall be permitted to appeal to the examiner, board or commission by written request with the code official. Upon furnishing the proper information, the code official shall transmit to the examiner, board or commission all papers and pertinent data related to the appeal.~~

109.2.2 Time limit. ~~An appeal shall only be considered if filed within [NUMBER OF WORKING DAYS] after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the code official shall be considered final.~~

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

109.2.3 Stays of proceedings. ~~An appeal stays all proceedings from further action unless there is immediate danger to public health and safety.~~

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *code official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

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

409.1 Hearings. Upon receipt of an application in proper form, the code official shall arrange to advertise the time and place of public hearing. Such advertisement shall be given by at least one publication in a newspaper of general circulation within the jurisdiction. Such notice shall state the nature of the request, the location of the property, and the time and place of hearing. Reasonable effort shall also be made to give notice by regular mail of the time and place of hearing to each surrounding property owner; the extent of the area to be notified shall be set by the code official. A notice of such hearing shall be posted in a conspicuous manner on the subject property.

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

~~109.4 Voting and notice of decision.~~ There shall be a vote of a majority of the board and commission present in order to decide any matter under consideration. Each decision shall be entered in the minutes by the secretary. All appeals shall be kept in accordance with state regulations and such appeals shall be open to the public.

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

~~Notice in writing of the decision and the disposition of each appeal shall be given to the code official and each appellant by mail or otherwise.~~

112.4.2 Action by code official. The *code official* shall take immediate action in accordance with the decision of the board.

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

SECTION 113 FEES

113.1 Payment of fees. A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 have been paid.

113.2 Fee schedule. The fees for permits and other considerations shall be in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

113.4 Work commencing before permit issuance. Any person who commences any work on a project requiring a *permit* before obtaining the necessary permits shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees.

113.5 Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 Fee refunds. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

~~102.1 Fees.~~ A fee for services shall be charged. All fees shall be set by the jurisdiction and schedules shall be available at the office of the code official.

SECTION 114 405 PLANNING COMMISSION

114.1 ~~405.1~~ General. This section addresses the duties and responsibilities of a planning commission, hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of this code.

114.2 ~~405.2~~ Establishment of the commission. The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall consist of the number of members as specified in state law.

115.2.1 ~~Legislative liaison.~~ ~~Additionally,~~ One member of the legislative body shall be permitted to be appointed as liaison to the commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on commission decisions.

114.2.2 ~~405.4~~ Selection of members. All members shall be appointed and approved by the legislative body of the jurisdiction served. ~~The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel.~~ Members of the commission shall be residents of the jurisdiction served. ~~Compensation of members shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.~~

114.2.3 ~~405.5~~ Chairperson election and rules adoption **Chairman.** The commission shall annually elect one of its members to serve as chairman ~~elect from its membership a chairperson.~~ It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

114.2.4 ~~405.6~~ Commission Secretary. ~~A secretary to assist the commission shall be appointed by~~ The code official shall designate a qualified clerk to serve as secretary to the commission. The secretary shall keep a public record of the commission's proceedings including minutes of the commission meetings, ~~for public record~~ and conduct all correspondence, including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of commission meetings to the ~~chairperson~~ chairman and the commission.

114.2.5 ~~405.3~~ Terms for members. The terms of office for the members of the commission shall be as set forth in state law. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such a hearing is requested.

114.2.6 Compensation of members. Compensation shall be set by the legislative body of the jurisdiction.

114.3 Procedures. ~~#~~ The commission shall also establish and adopt and make available to the public through the secretary rules for its organization and the transaction of business, ~~and shall keep a public record of its proceedings.~~

114.3 ~~405.7~~ Duties and powers. The duties and powers of the planning commission shall be in accordance with Sections ~~405.7.4~~ 114.3.1 through 114.3.5 ~~405.7.5~~.

114.3.1 Comprehensive plan. The planning commission shall develop a comprehensive plan in accordance with Section 116.

114.3.1.1 ~~405.7.1~~ ~~The commission shall be permitted also to~~ recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

114.3.2 ~~405.7.2~~ Zoning code. ~~It shall be the duty of~~ The commission to shall develop and recommend to the legislative body a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zones within the jurisdiction. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the jurisdiction. The commission shall make periodic reports and recommendations to the legislative body.

~~114.3.3 105.7.3~~ Division of land regulations. ~~It shall be the duty of~~ The commission ~~to~~ shall develop and certify regulations governing the division of land. All divisions of land shall be in accordance with the adopted regulations.

~~114.3.4 105.7.4~~ Conditional-use permits. ~~It shall be the duty of~~ The commission ~~to~~ shall review conditional-use permit applications. The application shall be accompanied by maps, drawings or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

~~114.3.5 105.7.5~~ Official zoning map. The legislative body shall adopt an official zoning map for all areas included within the jurisdiction.

~~114.4 105.8~~ Appeals and hearings. Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

SECTION ~~115~~ 107 BOARD OF ADJUSTMENT

~~115.1 107.1~~ General. This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as "the board," and other officials and agencies, with respect to the administration of this code.

~~115.2 107.2~~ Establishment of the board. The establishment of the board shall be in accordance with the procedures and policies set forth in state law. The board shall consist of the number of members as specified in state law.

~~115.2.1~~ Planning commission liaison. ~~Additionally,~~ One member of the planning commission shall be appointed as liaison to the board. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on board decisions.

~~115.2.2 107.4~~ Selection of members. All members shall be appointed and approved by the legislative body of the jurisdiction served. ~~The terms of office shall be staggered at intervals, so as to provide continuity in policy and personnel. Members of the board shall be residents of the jurisdiction served. Compensation shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.~~

~~115.2.3 107.5~~ Chairperson election and rules adoption Chairman. The board shall annually select one of its members to serve as chairman ~~elect from its membership a chairperson.~~

~~115.2.4 107.6~~ Board Secretary. ~~A secretary to assist the board shall be appointed by~~ The code official shall designate a qualified clerk to serve as secretary to the board. The secretary shall keep a public record of the board's proceedings including minutes of the board meetings, for public record and conduct all correspondence, including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of board meetings to the ~~chairperson~~ chairman and the board.

~~115.2.5 107.3~~ Terms for members. The terms of office for the members of the board shall be as set forth in state law. The terms of office shall be staggered at intervals, so as to provide continuity in policy and personnel. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such hearing is requested.

~~115.2.6~~ Compensation of members. Compensation shall be set by the legislative body of the jurisdiction.

~~115.3~~ Procedures. ~~It~~ The board shall also establish and adopt and make available to the public through the secretary rules for its organization and the transaction of business, and shall keep a public record of its proceedings.

~~107.7~~ Duties and powers. The duties and powers of the board of adjustment shall be in accordance with Sections ~~107.7.1 through 107.7.3.~~

~~107.7.1~~ Errors. ~~The board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the code official.~~

115.4 ~~107.7.2~~ Variances. The board shall have the power to hear and decide on appeals wherein a request for a variance to the terms provisions of this code is proposed. Limitations as to the board's authorization shall be as set forth in this code.

115.5 Appeals and hearings. Any person with standing aggrieved by any decision of the board shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

SECTION ~~116~~ 106 COMPREHENSIVE PLAN COMPLIANCE WITH THE CODE

116.1 ~~106.1~~ General. Upon adoption of this code by the legislative body, no use, building or structure, whether publicly or privately owned, shall be constructed or authorized until the location and extent thereof conform to said the comprehensive plan of the jurisdiction.

116.2 ~~105.7.4~~ Comprehensive plan. ~~It shall be the duty of~~ The commission, after holding public hearings, ~~to shall~~ create and recommend to the legislative body a comprehensive plan for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. **~~104.4~~ Comprehensive plan.** The code official shall assist the planning commission in the development and implementation of the comprehensive plan.

116.2.1 Elements of the comprehensive plan. At a minimum, the comprehensive plan shall include at least the following elements:

1. Official maps.
2. Growth and land use.
3. Commercial/industrial uses.
4. Transportation and utilities.
5. Community facilities.
6. Housing.
7. Environmental.
8. Geologic/natural hazards.

116.3 ~~104.5.4~~ Amendments. All requests for amendments or changes to the comprehensive plan or this code or map shall be submitted to the code official for processing.

SECTION 117 VARIANCES

117.1 ~~107.7.3~~ Variance review criteria General. The board of adjustment shall be permitted to approve, approve with conditions or deny a request for a variance to the provisions of this code.

117.2 Variance review criteria. Each request for a variance shall be consistent with the following criteria:

1. Limitations on the use of the property due to physical, topographical and geologic features.
2. The grant of the variance will not grant any special privilege to the property owner.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner.
6. The variance requested is the minimum variance necessary to allow reasonable use of the property.
7. The grant of the variance will not be injurious to the public health, safety or welfare.
8. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

117.3 ~~107.8~~ Use variance. The board of adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

117.4 ~~107.9~~ Decisions. The board shall be permitted to decide in any manner it sees fit; however, it shall not have the authority to alter or change this code or zoning map or allow as a use that which would be inconsistent with the requirements of this code, provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege.

SECTION 108

HEARING EXAMINER

~~108.1 General.~~ This section addresses the duties and responsibilities of a hearing examiner, hereafter referred to as the "examiner," and other officials and agencies with respect to the administration of this code.

~~117.5 108.2 Appointment of an examiner.~~ The A hearing examiner, hereafter referred to as the "examiner," shall be appointed and approved by the legislative body of the jurisdiction served. Compensation shall be set by same.

~~117.5.1 108.3 Duties and powers.~~ The examiner shall hear and consider all applications for discretionary land rezones and use decisions as authorized by the legislative body by resolution. Such considerations shall be set for public hearing. The examiner shall be bound by the same standards of conduct as the commission and board, with respect to the administration of this code.

~~117.5.2 108.4 Decisions.~~ The examiner shall, within 10 working days, render a decision. Notice in writing of the decision and the minutes of record shall be given to the code official for distribution as required. All decisions shall be kept in accordance with state regulations and such decisions shall be open to the public.

~~117.5.3 Appeals and hearings.~~ Any person with standing aggrieved by any decision of the examiner shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

(SECTIONS 118 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The code official shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the code official shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure condemned and placarded by the code official shall be vacated as ordered by the code official. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the code official shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an imminent danger as described in Section 121.1 that will necessarily result in injury to occupants or the public, the code official or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the code official for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 **SERVICE UTILITIES**

122.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the *code official*.

122.2 Temporary connection. The *code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, or power.

122.3 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The *code official* shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 123 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

123.1 General. The code official is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

123.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 Termination of approval. The code official is authorized to terminate such permit and to order the temporary structure, equipment, system or use to be discontinued.

~~**403.4 Temporary buildings, structures and uses** such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special approval is received from the code official for a limited period of time. *Temporary buildings* or structures shall be completely removed upon the expiration of the time limit stated in the permit.~~

SECTION 124 **MAINTENANCE**

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.1.1 403.3 Specific maintenance. All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the code official shall be permitted to cause any structure or use to be inspected.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 **DEMOLITION**

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, *unsafe*, *insanitary*, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *code official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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* or *insanitary*.

2. Revise and add the following definitions to the IZC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a *permit*, or a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a *permit*.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been *approved* by the *code official*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or a duly authorized representative.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with *approved construction documents* and the requirements of this code.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other systems or components thereof, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOT LINE. A line dividing one lot from another, or from a street or any public place.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer who is registered or licensed to practice professional architecture or engineering their respective profession as defined by statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A *registered design professional* engaged by the owner to review and coordinate certain aspects of the project, as determined by the *building official*, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

PART XII – IRC BUILDING/ENERGY

1. Revise as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART I - SCOPE AND APPLICATION

SECTION R101 GENERAL

R101.1 Title. These provisions regulations shall be known as the *Residential Code for One- and Two-family Dwellings* of [NAME OF JURISDICTION], ~~and shall be cited as such and will be referred to herein~~ referred to as “this code.”

R101.2 Scope. The provisions of ~~this code the *International Residential Code for One- and Two-family Dwellings*~~ shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and townhouses not more than three stories in height above *grade plane in height* with a separate means of egress and their *accessory structures*.

Exception: Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section 903.3.1.3 of the *International Building Code*.

R101.3 Purpose Intent. The purpose of this code is to establish minimum requirements to safeguard the public health, safety, ~~health~~ and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

R101.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

R101.5 Validity ~~R102.6 Partial invalidity.~~ In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION R102 APPLICABILITY

R102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in a any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

~~R102.2~~ ~~R102.3~~ 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 this code.

~~R102.3~~ ~~R102.4~~ Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and referenced codes and standards, the provisions of this code shall apply.

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

R102.4 ~~R102.5~~ Appendices. Provisions in the appendices shall not apply unless specifically adopted ~~referenced in the adopting ordinance~~.

R102.5 R102.7 Existing structures and systems. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code* or the *International Fire Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

R102.5.1 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the *building official* to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

R102.6 R104.11 Alternative materials, design, and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed alternative design is satisfactory and complies with the intent of the provisions of this code, and that the alternative material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

R102.6.1 Matters regulated by the International Building Code. Approvals under the authority herein contained shall be subject to the approval of the *building official* whenever the alternative involves matters regulated by the *International Building Code*.

R102.7 Requirements not covered by code. Requirements necessary for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the *building official*.

R102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as *approved*, shall be deemed as *prima facie* evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *building official* to determine compliance with codes or standards for those activities or installations within the *building official's* jurisdiction or responsibility.

R102.9 106.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

R102.11 Specific application of this code. The following are application specific to this code.

R102.11.1 Performance-based provisions. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternate.

R102.11.2 R102.7.1 Additions, alterations or repairs. *Additions, alterations* or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. *Additions, alterations* or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

R102.11.3 R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the *International Building Code*.

PART II - ADMINISTRATION AND ENFORCEMENT

SECTION R103 DEPARTMENT OF BUILDING SAFETY

R103.1 General ~~Creation of enforcement agency.~~ The Department of Building Safety, herein referred to as "the department," is hereby ~~created and the official in charge thereof shall be known as~~ established within the jurisdiction under the direction of the building official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

R103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the *jurisdiction*.

R103.3 Deputies. In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, ~~the~~ related technical officers, inspectors, ~~plan examiners~~ and other employees. Such employees shall have powers as delegated by the *building official*.

R103.4 ~~104.8~~ Liability. The *building official*, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

R103.5 Legal defense. Any suit instituted against an officer or employee of the department because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the *jurisdiction* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in ~~any an~~ action, suit, or proceeding that is instituted in pursuance of the provisions of this code. Any officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

R104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in ~~conformance~~ compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

R104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue permits required by this code ~~for the erection and alteration of buildings and structures~~, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The *building official* ~~is authorized to~~ shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

R104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the *building official* ~~or designee~~ is authorized to enter the structure or premises at reasonable times to

inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises ~~be~~ is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

104.6.1 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the *building official* for the purpose of inspection and examination pursuant to this code.

R104.7 Department records. The *building official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

SECTION R105 PERMITS

R105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *building official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times, or such records shall be filed with the *building official* as designated.

R105.1.2 R105.2.1 Emergency repairs. Where *equipment* replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

R105.2 Permit not required ~~Work exempt from permit.~~ Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3. ~~for the following:~~

R105.2.1 R105.2.2 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.2 R105.2.3 Public service agencies. A *permit* shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related *equipment* that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit.

105.2.3.1 Building:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.

105.2.3.2 Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

105.2.3.3 Gas:

1. Portable heating, cooking or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
3. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

105.2.3.4 Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

105.2.3.5 Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the project work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project work.
3. Indicate the use and occupancy for which the proposed project work is intended.
4. Be accompanied by *construction documents* and other information as required in Section R1076.4.
5. State the valuation of the proposed project work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

105.3.1 R108.3 Building Permit valuations. Building Permit valuations required under Section 105.3(5) shall include total value of the project work, including materials and labor, for which the permit is being issued, such as and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the permit is being issued including materials and labor. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

R105.4 R105.3.4 Action on application. The *building official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed project work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable.

R105.4.1 R105.9 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

R105.4.2 R106.3.3 Phased approval Conditional permits. The building official is authorized to issue a permit for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the construction documents for the entire project whole building, or structure have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed only to the point for which approval has been given, at the permit holder's own risk, with the building operation and without assurance that a permit for the entire project structure will be granted.

R105.5 R105.3.2 Time limitation of application. An application for a *permit* for any proposed project work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 R105.4 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any of the provisions of this code or of any other ordinance of the *jurisdiction*. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. ~~The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.~~

105.7 Extensions of permit. For an unexpired permit the building official is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.8 R105.5 Expiration of permit. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.9 R105.6 Suspension or revocation of permit. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code ~~wherever~~ whenever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.10 R105.7 Placement Posting of permit. The ~~building permit~~ Issued permits or copy thereof shall be kept on the site of the project work until the completion of the project.

SECTION R106 CONSTRUCTION SUBMITTAL DOCUMENTS

R106.1 Submittal documents General. Submittal documents consisting of *construction documents*, and other supporting data shall be submitted in two or more sets with each application for a *permit*, and in such form and detail as required by the *building official*. The *building official* shall require *construction documents* and other data to be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional necessary construction documents to be prepared by a registered *design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing review of construction documents is not necessary to obtain compliance with this code.

R106.2 Construction documents. *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.4.

R106.2.1 R106.1.1 Information on construction documents. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the proposed project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *building official*. ~~drawn upon~~ Plans shall be to scale and be on suitable material. Electronic media documents are permitted to be submitted when approved by the *building official*. ~~Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official~~

R106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

R106.2.2 R106.2 Site plan or plot plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, and distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood elevations*. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *building official* is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code.

R106.2.3.1 Where required by the *building official*, all braced wall lines, shall be identified on the *construction documents* and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided

R106.2.3.2 R106.4.3 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), *construction documents* shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including *basement*, above the highest adjacent *grade*;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the *building official* and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R106.2.3.3 R105.3.1.1 Determination of substantially improved or substantially damaged Existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, *addition* or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the *building official* shall examine or cause to be examined the *construction documents* and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of Section R322.

R106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

R106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

R106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

R106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period.

R106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

R106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *building official*.

R106.4 ~~R106.3~~ Examination of documents. The *building official* shall examine or cause to be examined ~~construction documents~~ submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

R106.5 ~~R106.3.4~~ Approval of construction documents. When the *building official* issues a permit, the *construction documents* and other data shall be ~~approved~~ endorsed, in writing or by a stamp, ~~as which states "APPROVED REVIEWED FOR CODE COMPLIANCE."~~ One set of *construction documents* and other data so reviewed shall be retained by the *building official*. The other set(s) shall be returned to the applicant, ~~One set~~ shall be kept at the site of the project work and shall be open to inspection by the *building official* or ~~his or her~~ a duly authorized representative. Such approved construction documents shall not be changed, modified, or altered without authorization from the building official. All work shall be done in accordance with the approved construction documents.

R105.8 ~~R105.8~~ Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

R106.6 ~~R106.4~~ Amended construction documents. ~~Work shall be installed in accordance with the approved construction documents, and~~ Any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

R106.75 ~~R106.5~~ Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted project work, or for the period required for retention of public records as required by state or local laws.

SECTION R107 405 MODIFICATIONS, TESTING, AND APPROVAL

R107.1 ~~104.10~~ Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, and upon application of the owner or owner's representative, the *building official* shall have the authority to grant modifications for individual cases, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety, accessibility, or structural requirements ~~or structural safety~~. The details of action granting modifications shall be recorded and entered in the files of the department of ~~building safety~~.

R107.1.1 ~~104.10.4~~ Areas prone to flooding. The *building official* shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

R107.2 ~~104.9~~ Approved materials and equipment. All materials, equipment, and devices approved by the building official shall be constructed and installed in accordance with such approval.

R107.3 ~~104.9.4~~ Used materials, appliances and equipment. The use of used materials, that meet the requirements of this code for new materials is permitted. Used appliances, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the building official.

R107.4 ~~104.9.4~~ Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

R107.5 ~~104.11.4~~ Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

R107.6 ~~104.11.4~~ Tests Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the building official shall have the authority to require tests be conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. ~~to~~ The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an approved agency.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 Retention of reports. ~~Reports of such tests~~ The technical opinions, recommendation, reports and test results shall be retained by the *building official* for the period required for retention of public records.

SECTION R108 R109 INSPECTIONS

R108.1 General. Construction or work on a project for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling equipment or appliances installed to replace such existing equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

R108.2 R109.4 Types of Required inspections and testing. The building official, upon notification, shall make the inspections and require the tests set forth in Sections R108.2.1 through R108.2.4. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

R108.2.1 Specific Inspections. The following are specific inspections and tests required by this code.

R108.2.1.1 R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.

R108.2.1.2 R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or *appliances* are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105. 1 prior to inspection shall be permitted.

R108.2.1.3 R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Section R322.

R108.2.1.4 R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are *approved*.

R108.2.1.5 R109.1.5.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between *dwelling units* or due to location on property, the *building official* shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

R108.2.2 R109-1.5 Other inspections. In addition to the ~~called~~ inspections specified above, the *building official* ~~may~~ is authorized to make or require any other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department *building official*.

R108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

R108.2.4 R109-1.6 Final inspection. Final inspection shall be made after the ~~permitted~~ all work on a project required by the permit is completed and prior to occupancy.

R108.3 R109-2 Inspection agencies. The *building official* is authorized to accept reports of *approved inspection agencies*, provided such agencies satisfy the requirements as to qualifications and reliability.

R108.4 R109-3 Inspection requests. It shall be the duty of the *permit holder* or their duly authorized agent to notify the *building official* ~~that such~~ when on a project work is ready for inspection. It shall be the duty of the *permit holder* ~~person requesting any inspections required by this code~~ to provide access to and means for inspection of such work that are required by this code.

R108.4.1 R106-1.2 Manufacturer's installation instructions. Manufacturer's ~~installation~~ instructions for equipment, appliances, and materials installed under the permit, as required by this code, shall be available on the job work site at the time of inspection.

R108.5 R109-4 Approval required. Work on a project shall not proceed be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either ~~indicate~~ determine the portion of the ~~project construction~~ that is satisfactory as completed, or shall notify the *permit holder* or an authorized agent of the permit holder wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, ~~or concealed, or used~~ until authorized by the *building official*.

R108.6 Notice of approval. After all prescribed inspections or tests indicate the work complies with this code, a certificate of completion complying with Section 109 shall be issued by the *building official*.

SECTION R109 R110 CERTIFICATE OF COMPLETION AND OCCUPANCY

R109.1 R110-4 Use and occupancy. No building, ~~or structure~~ or premises or portion thereof shall be used or occupied until the code official has issued a certificate of occupancy as provided herein. No equipment, ~~appliance or system used,~~ and no change in the existing occupancy classification of a building, ~~or structure,~~ or portion thereof shall be made until the *building official* has issued a certificate of completion occupancy therefor as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
4. 2. Certificates of completion or occupancy are not required for work exempt from permits under Section R105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
2. 4. Certificates of occupancy are not required for one-story detached accessory buildings or structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m2).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

R109.2 R110-3 Certificate issued. After the *building official* inspects ~~the a~~ a project requiring a permit building or structure and finds no violations of the provisions of this code or other laws that are enforced by the ~~department of Building Safety,~~ the *building official* shall issue a certificate of completion. Occupancy which ~~After all certificates of completion have been issued by other departments or agencies concerned, the code official shall issue a certificate of occupancy where applicable.~~ A certificate of completion or occupancy shall contain the following:

1. The ~~building~~ *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project ~~that portion of the structure~~ for which the certificate is issued.
5. A statement that the described project ~~portion of the structure~~ has been inspected for compliance with the requirements of this code.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance with Chapter 3 of the *International Building Code*.
9. The type of construction as defined in Chapter 6 of the *International Building Code*.
10. The design *occupant load*.
- 8 ~~11.~~ If an ~~automatic sprinkler system~~ fire protection systems are provided, whether the ~~sprinkler system~~ fire protection systems are required.
- 9- ~~12.~~ Any special stipulations and conditions of the ~~building permit~~.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2, Items 8, 9, and 10 for detached one- and two family dwellings and multiple single-family dwellings (townhouses) constructed using the *International Residential Code*.
2. The *code official* shall not be required to indicate on a certificate items under Section 109.2, Items 8, 9, and 10 for the installation of equipment, appliances or systems.

R109.3 R140.4 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

R109.4 R140.5 Revocation. The *building official* ~~shall~~ is authorized to, in writing, suspend or revoke a certificate of completion or occupancy issued under the provisions of this code wherever the certificate is issued in error, ~~or~~ on the basis of incorrect information supplied, or where it is determined that the building, ~~or structure, premise,~~ or portion thereof, or installation of appliance, equipment or system is in violation of any ordinance or regulation or any of the provisions of this code.

**SECTION R110 R144
STOP WORK ORDER**

R110.1 Authority. Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

R110.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

R110.2.1 Emergencies. Where an emergency exists, the *building official* shall not be required to give a written notice prior to stopping the work.

R110.3 R144.2 Unlawful continuance. Any person who shall continue any work ~~in or about the structure~~ after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by code or other laws or ordinances of the jurisdiction law.

R144.1 Notice to owner. Upon notice from the *building official* that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

SECTION R111 R143 VIOLATIONS

R111.1 Code violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *building official* without the express authorization of the *building official*.

R111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

R111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

R 111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *building official* without the express authorization of the *building official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or *equipment* regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R113.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan *approved* thereunder, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the *building official* is authorized to request the legal counsel of the *jurisdiction* to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION R112 BOARD MEANS OF APPEALS

R 112.1 Application for appeal. Any person directly affected by a decision of the *building official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

R112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

R112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

R112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

R112.2.2. An employee of the jurisdiction shall not be a member of the board of appeals. The *building official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

R112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

R112.2.4 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

R112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

R112.2.6 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

R112.2.7 Terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

R112.2.8 Compensation of members. Compensation of members shall be determined by law.

R112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in conformance with Sections 109.3.1 through 109.3.3.

R112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

R 112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

R112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *building official* and any person whose interests are affected shall be given an opportunity to be heard.

R112.3.4 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

R112.4 Board decision. The board shall modify or reverse the decision of the *building official* by a concurring vote of a majority of the total number of appointed board members.

R112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the *building official*.

R112.4.2 Action by *building official*. The *building official* shall take immediate action in accordance with the decision of the board.

R112.5 Court review. Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

R412.2.1 112.6 Determination of substantial improvement in areas prone to flooding. When the *building official* provides a finding required in Section R105.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, *addition* or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the *building official* and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic building or structure, provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:
 - 2.1. *Listed* or preliminarily determined to be eligible for *listing* in the National Register of Historic Places; or
 - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
 - 2.3. Designated as historic under a state or local historic preservation program that is *approved* by the Department of Interior.

R412.2.2 112.6.1 Criteria for issuance of a variance for areas prone to flooding. A variance shall be issued only upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R322 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the *lot* undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

R112.1 General. ~~In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *building official*.~~

R112.2 Limitations on authority. ~~An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.~~

R112.3 Qualifications. ~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the *jurisdiction*.~~

R112.4 Administration. ~~The *building official* shall take immediate action in accordance with the decision of the board.~~

SECTION R113 R108 FEES

R113.1 R108.4 Payment of fees. A permit or an amendment to a permit shall not be valid issued until the fees prescribed in Section 113.2 by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

R113.2 Fee schedule. The fees for permits and other considerations shall be in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]

R113.3 R108.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R113.4 R108.6 Work commencing before permit issuance. Any person who commences any work on a project requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official applicable governing authority that shall be in addition to the required permit fees.

R113.5 Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

R113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the code official that shall be in addition to the required permit fees. The fee may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

R108.5 Refunds. The building official is authorized to establish a refund policy.

R113.9 Fee refunds. The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the code official, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The code official or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or the fire department official in charge of the incident.

120.4 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The code official shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the code official shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure condemned and placarded by the code official shall be vacated as ordered by the code official. It shall be unlawful for any person to occupy or to allow others to occupy a placarded premises, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the code official shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an imminent danger as described in Section 121.1 that will necessarily result in injury to occupants or the public, the code official or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the code official for the period required for retention of public records.

SECTION 121 **EMERGENCY MEASURES**

121.1 Imminent danger. When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the building official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION R122 R414 **SERVICE UTILITIES**

R122.1 R414.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, or power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the building official.

R122.2 R414.2 Temporary connection. The building official shall have the authority to authorize and approve the temporary connection of the building, structure or system to the utility, source of energy, fuel or power.

R122.3 R414.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2 R414.1 or R414.2. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION R123 R107 **TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES**

R123.1 R107.4 General. The building official is authorized to issue a permit for temporary structures, equipment, systems and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

R123.2 R107.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

R123.3 R107.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure, equipment, system or use to be discontinued.

R107.3 Temporary power. ~~The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.~~

SECTION R124 **MAINTENANCE**

R124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

R124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

R124.2.1 Test and inspection records. Required test and inspection records shall be available to the *building official* at all times, or such records as designates shall be filed with the *building official*.

R124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *building official* for inspection and testing.

R124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

R124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION R125 **DEMOLITION**

R125.1 General. The *building official* shall order the owner of any premises upon which is located any structure that in the *building official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *building official*.

R125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

R125.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the *building official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

R125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

R125.5 Existing remedies. The provisions in this code 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 or insanitary.

2. Revise and add the following definitions to the IRC:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. ~~Also, or~~ a change in a mechanical, plumbing, fuel gas or other system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

APPROVED. ~~Acceptable to the building official.~~ Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

CERTIFICATE OF COMPLETION. A certificate stating that the project or work for which a permit was issued has been completed in compliance with approved construction documents and the requirements of this code.

CONSTRUCTION DOCUMENTS. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. ~~Construction drawings shall be drawn to an appropriate scale.~~

EQUIPMENT. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, apparatus and devices, all piping, ducts, vents, control devices and other components of systems, or components thereof, other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services, any of which are specifically regulated in this code. Appliances as defined by this code shall not be considered equipment. Equipment or fixtures shall not include manufacturing, production, or process equipment, but shall include connections from building service to process equipment.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

REGISTERED DESIGN PROFESSIONAL. An individual architect or engineer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. A registered design professional engaged by the owner to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Reason: Item #1: **ITEM 1: TEMPLATE: All I-Codes:** Change the Chapter One provisions above for all I-Codes to the following text template.

(NOTE: Strikeout/underline format is not being used for the ease in understanding. Though the term "code official" is used below, it is intended that the term "building official" be used for the IBC and IRC, and the term "fire code official" be used for the IFC. See above legislative version for each I-Code for changes.)

**CHAPTER 1
SCOPE AND ADMINISTRATION**

PART 1—SCOPE AND APPLICATION

**SECTION 101
GENERAL**

101.1 Title. These regulations shall be known as the *Building Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

101.3 Purpose. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

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

**SECTION 102
APPLICABILITY**

102.1 General. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

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

102.3 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.5 Existing structures and systems. The legal occupancy or use of any structure or installed system existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Building Code*, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

102.5.1 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

(IBC / IEBC Only)

102.5.1 Historic buildings. The application of this code relating to *historic buildings* shall be in accordance with Section 3409 / 308.

102.6 Alternative materials, design, methods and equipment. The provisions of this code are not intended to prevent the installation of any material, or the use or operation of appliances, equipment, systems, or method, or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with the intent of the provisions of this code, and that the alternative is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

102.6.1 Matters regulated by the *International Building Code*. Approvals under the authority herein contained shall be subject to the approval of the *code official* whenever the alternative involves matters regulated by the *International Building Code*.

102.7 Requirements not covered by code. Requirements necessary for the strength, stability, or proper operation of an existing or proposed fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable nationally recognized standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

102.9 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

102.10 Contractor's responsibilities. Every contractor who enters into contracts for which a permit is required shall comply with the state and local rules and regulations concerning licensing.

102.11 Specific application of this code. The following are application specific to this code. [JURISDICTION TO INSERT APPLICATION PROVISIONS SPECIFIC TO THIS CODE]

(Please see the legislative text version for each Code above for the specific application for that Code.)

PART 2—ADMINISTRATIVE PROVISIONS

SECTION 103 DEPARTMENT OF FIRE PREVENTION

103.1 General. The Department of Fire Prevention, herein referred to as “the department,” is hereby established within the jurisdiction under the direction of the *code official*. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

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

103.4 Liability. The *code official*, member of the Board of Appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The *code official* shall receive applications, review *construction documents*, issue *permits* required by this code, inspect the premises for which such *permits* have been issued, and enforce compliance with the provisions of this code.

104.3 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *code official* shall make all of the required inspections, or the *code official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the *code official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *code official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

104.6.1 Warrant. When the code 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 structure or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The *code official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Assistance of other agencies. The code official is authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

104.9 Specific duties. The following are specific duties of the code official. [JURISDICTION TO INSERT CODE OFFICIAL DUTIES SPECIFIC TO THIS CODE]

(Please see the above legislative text version for each Code below for the specific duties for that Code.)

SECTION 105 PERMITS

105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to construct, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *code official* and obtain the required *permit* for the project. Where laws or regulations are enforceable by other agencies or departments, approval shall be obtained from all agencies or departments concerned.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *code official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure, or on the premises owned or operated by the applicant for the *permit*.

105.1.1.1 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *code official*.

105.1.3 Permits specifically required. The following specifically require a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS REQUIRING A PERMIT FOR THIS CODE]

(Please see the above legislative text version for each Code below for the specific work that requires a permit for that Code.)

105.2 Permit not required. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required in accordance with Sections 105.2.1 through 105.2.3.

105.2.1 Repairs. Application or notice to the *code official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2 Public service agencies. A *permit* shall not be required for the installation, *alteration*, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.2.3 Specific exemption. The following are specifically exempt from requiring a permit. [JURISDICTION TO INSERT SPECIFIC ITEMS EXEMPT FROM PERMITS FOR THIS CODE]

(Please see the above legislative text version for each Code below for the specific work that is exempt from requiring a permit for that Code.)

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the project to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed project is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or project.
3. Indicate the use and occupancy for which the proposed project is intended.
4. Be accompanied by *construction documents* and other data as required in Section 106.
5. State the valuation of the proposed project.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

105.3.1 Permit valuations. *Permit* valuations required under Section 105.3(5) shall include total value of the project, including materials and labor, and electrical, gas, mechanical, plumbing equipment and other permanent systems for which the *permit* is being issued. If, in the opinion of the *code official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building *permit* valuation shall be set by the *code official*.

105.4 Action on application. The *code official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor. If the *code official* is satisfied that the proposed project conforms to the requirements of this code and laws and ordinances applicable thereto, the *code official* shall issue a *permit* therefor as soon as practicable.

105.4.1 Preliminary inspection. Before a permit is issued, the *code official* is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

105.4.2 Conditional permits. The *code official* is authorized to issue a *permit* for the construction or operation of part of the project such as the construction of foundations or any other part of a building or structure, or installation of systems or materials, or operation before the *construction documents* for the entire project have been submitted or *approved*, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* shall proceed only to the point for which approval has been given, at the permit holder's own risk, and without assurance that a *permit* for the entire project will be granted.

105.5 Time limitation of application. An application for a *permit* for any proposed project shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued. The *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *code official* from requiring the correction of errors in the *construction documents* and other data.

105.7 Extensions of permit. For an unexpired permit the *code official* is authorized to grant, in writing, one or more extensions of the time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.8 Expiration of permit. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced.

105.8.1 Recommencement of work. Before such work covered under an expired permit recommences, a new permit shall be first obtained. The new permit shall be issued provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

105.9 Suspension or revocation of permit. The *code official* is authorized to suspend or revoke a *permit* issued under the provisions of this code whenever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.10 Posting of permit. Issued permits or copy thereof shall be kept on the site of the project until the completion of the project.

SECTION 106 SUBMITTAL DOCUMENTS

106.1 General. Submittal documents consisting of construction documents and other supporting data shall be submitted in two or more sets with each application for a permit, and in such form and detail as required by the *code official*. The *code official* shall require construction documents and other data to be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The *code official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

106.2 Construction documents. *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.4.

106.2.1 Information on construction documents. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the proposed project, and show in detail that the project will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *code official*. Plans shall be to scale and be on suitable material. Electronic media documents are permitted to be submitted when *approved* by the *code official*.

106.2.1.1 Specific information required. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality. The terms "this code" or "legal" or "its equivalent" shall not be cited or used as a substitute for specific information.

106.2.2 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations. The site plan shall be drawn in accordance with an accurate boundary line survey.

106.2.2.1 Site plan for demolition. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.2.2. Waiver of site plan. The *code official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

106.2.3 Specific Information. The following are specific requirements for submittal documents required by this code. [JURISDICTION TO INSERT SPECIFIC SUBMITTAL DOCUMENT REQUIREMENTS FOR THIS CODE]

(Please see the above legislative text version for each Code below for the specific requirement for submittal documents for that Code.)

106.2.4 Design professional in responsible charge. When it is required that documents be prepared by a *registered design professional*, the *code official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *code official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

106.2.4.1 Responsibility. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.2.4.2 Observation. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *code official* within a specified period.

106.3.1 Prior approval. Deferral of any submittal items shall have the prior approval of the *code official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *code official*.

106.3.2 Review. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *code official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *code official*.

106.4 Examination of documents. The *code official* shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the project indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.5 Approval of construction documents. When the *code official* issues a *permit*, the *construction documents* and other data shall be endorsed, in writing or by stamp, as "APPROVED." One set of *construction documents* and other data so reviewed shall be retained by the *code official*. The other set(s) shall be returned to the applicant. One set shall be kept at the site of the project and shall be open to inspection by the *code official* or a duly authorized representative. Such *approved construction documents* shall not be changed, modified, or altered without authorization from the *code official*. All work shall be done in accordance with the *approved construction documents*.

106.6 Amended construction documents. Any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

106.7 Retention of construction documents. One set of *approved construction documents* shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted project, or for the period required for retention of public records.

SECTION 107 MODIFICATIONS, TESTING, AND APPROVAL

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

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

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

107.4 Listed and labeled material and appliances. Listed and labeled materials, equipment, and appliances shall be used and installed in accordance with the conditions the listing and the manufacturer's instructions.

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

107.6 Technical assistance. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, or to determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the *code official* shall have the authority to require tests conducted, or a technical opinion, recommendation or report be submitted as evidence of compliance. The tests, opinions, recommendations and reports shall be made at no expense to the jurisdiction.

107.6.1 Preparation. The technical reports and opinions shall be prepared by a qualified engineer, approved specialist or specialty organization, or an *approved agency*.

107.6.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall approve the testing procedures.

107.6.3 Testing agency. All tests shall be performed by an *approved agency*.

107.6.4 Retention of reports. The technical opinions, recommendation, reports and test results shall be retained by the *code official* for the period required for retention of public records.

SECTION 108 INSPECTIONS

108.1 General. Construction or work on a project for which a *permit* is required shall be subject to inspection by the *code official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give

authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the construction or work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.1.1 Replacement of existing appliance. The requirements of this section shall not be considered to prohibit the operation of any heating or cooling *equipment* or appliances installed to replace such existing *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

108.2 Required inspections and testing. The *code official*, upon notification, shall make the inspections and require the tests set forth in Sections 108.2.1 through 108.2.4.

108.2.1 Specific Inspections. The following are specific inspections and tests required by this code. [JURISDICTION TO INSERT SPECIFIC REQUIRED INSPECTIONS AND TESTS]
(Please see the above legislative text version for each Code below for the specific required inspections and tests for that Code.)

108.2.2 Other inspections. In addition to the inspections specified above, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

108.2.3 Special inspections. Special inspection shall be as required by this code, the *International Building Code*, or the *International Fire Code* as applicable.

108.2.4 Final inspection. A final inspection shall be made after all work on the project required by the *permit* is completed.

108.3 Inspection agencies. The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

108.4 Inspection requests. It shall be the duty of the holder of the *permit* or their duly authorized agent to notify the *code official* when a project is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

108.4.1 Manufacturer's instructions. Manufacturer's instructions for equipment, appliances, and materials installed under the permit shall be available on the work site at the time of inspection.

108.5 Approval required. Work on a project shall not proceed beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either determine the portion of the project that is satisfactory as completed, or shall notify the *permit* holder or authorized agent wherein the same fails to comply with this code. Any portions of the project that do not comply shall be corrected and such portion shall not be covered, concealed, or used until authorized by the *code official*.

108.6 Notice of approval. After all prescribed inspections or tests indicate the project complies with this code, a certificate of completion complying with Section 109 shall be issued by the *code official*.

SECTION 109 CERTIFICATE OF COMPLETION AND OCCUPANCY

109.1 Use and occupancy. No building, structure, or premises or portion thereof shall be used or occupied until the *code official* has issued a certificate of occupancy as provided herein. No equipment, appliance or system used, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the *code official* has issued a certificate of completion as provided herein.

Exceptions:

1. Occupancy shall be permitted during emergency situations as described under Section 105.1.
2. Certificates of completion or occupancy are not required for work exempt from permits under Section 105.2.
3. Occupancy shall be permitted during the replacement of existing appliances as described under Section 108.1.1.
4. Certificates of occupancy are not required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

109.1.1 Validity. Issuance of a certificate of completion or occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

109.2 Certificate issued. After the *code official* inspects a project requiring a permit and finds no violations of the provisions of this code or other laws that are enforced by the department, the *code official* shall issue a certificate of completion. After all certificates of completion have been issued by other departments or agencies concerned, the *code official* shall issue a certificate of occupancy where applicable. A certificate of completion or occupancy shall contain the following:

1. The *permit* number.
2. The address of the premises or structure.
3. The name and address of the owner.
4. A description of the project for which the certificate is issued.
5. A statement that the described project has been inspected for compliance with the requirements of this code.
6. The name of the *code official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy in accordance Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.

10. The design *occupant load*.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the *permit*.

Exceptions:

1. A certificate of completion or occupancy shall not be required to indicate the items under Section 109.2(8), (9), and (10) for detached one- and two family dwellings and multiple single-family *dwellings (townhouses)* constructed using the International Residential Code.
2. The *code official* is shall not be required to indicate on a certificate items under Section 109.2(8), (9), and (10) for the installation of equipment, appliances or systems.

109.3 Temporary occupancy. The *code official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and without endangerment to life or public welfare. The temporary certificate shall indicate any limitations or restrictions necessary to keep the permit area safe, and items required to obtain the final certificate of occupancy. The *code official* shall set a time period during which the temporary certificate of occupancy is valid.

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

SECTION 110 STOP WORK ORDER

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

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

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

110.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fees, fines, or penalties as prescribed by this code or other laws or ordinances of the jurisdiction.

SECTION 111 VIOLATIONS

111.1 Code Violations. No person, association, organization, or business entity of any form shall:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or premises in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
2. Install or operate any equipment, appliances, or systems regulated by this code that is in conflict with or in violation of any provision of this code or other ordinances of the jurisdiction; or
3. Be non-compliant with the conditions of any permit or certificate issued under the auspices of this code; or
4. Tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*.

111.2 Notice of violation. A *code official* who observes or becomes aware of any code violation shall serve upon the responsible person, association, organization, or business entity a written notice in accordance with Section 111.2.1. In the absence of direct knowledge as to the identity or location of the responsible party, the *code official* shall serve the notice upon the property owner. Service may be effected by personal delivery, first class mail, substituted service, or such other means that may be authorized by state and/or local law.

111.2.1 Form of notice. Such notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the violation into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties in accordance with Section 111.3.

111.3 Penalties. Violators who fail to comply with a notice to discontinue or abate a condition in violation of this code, and violators who tamper, destroy, mutilate, or remove any sign, tag, or seal posted or affixed by the *code official* without the express authorization of the *code official*, shall be subject to the penalties set forth in this code as may be adopted and authorized by state and/or local law.

SECTION 112 MEANS OF APPEALS

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

112.1.1 Stays of enforcement. The filing of an appeal of notice or orders, except for notice or order concerning *Imminent Danger*, shall stay the enforcement of the notice or order until the appeal is heard by the board of appeals.

112.2 Membership of board. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the provisions of this code. The board shall be appointed by the chief appointing authority.

112.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

112.2.2 Department staff. An employee of the jurisdiction shall not be a member of the board of appeals. The *code official* shall be an ex officio member of the board but shall have no vote on any matter before the board.

112.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

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

112.2.5 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

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

112.2.7 Terms. The board members shall serve staggered and overlapping terms. The initial members of the board of appeals shall serve as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

112.2.8 Compensation of members. Compensation of members shall be determined by law.

112.3 Hearings and meetings. Hearings on appeals and other meetings of the board of appeals shall be held in accordance with Sections 112.3.1 through 112.3.4.

112.3.1 Procedures. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

112.3.2 Notice. The board shall hold a hearing upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

112.3.3 Open hearing. All hearings before the board shall be open to the public. A quorum shall consist of not less than two-thirds of the board membership. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

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

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

112.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the *code official*.

112.4.2 Action by code official. The *code official* shall take immediate action in accordance with the decision of the board.

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

SECTION 113 FEES

113.1 Payment of fees. A permit or an amendment to a permit shall not be issued until the fees prescribed in Section 113.2 have been paid.

113.2 Fee schedule. The fees for permits and other considerations shall be in accordance with the following schedule: [JURISDICTION TO INSERT APPROPRIATE FEE SCHEDULE]

113.3 Related fees. The payment of the fee for work done in connection to or concurrently with the work authorized by a *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

113.4 Work commencing before permit issuance. Any person who commences any work on a project requiring a *permit* before obtaining the necessary permits shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees.

113.5 Permit extension. The fee for an extension of a permit in conformance with Section 105.7 shall be one-half the amount required for a new permit for such work.

113.6 Expiration of permit. For permits that have expired, and before such work recommences in conformance with Section 105.8.1, the fee to recommence work shall be one-half the amount required for a new permit for such work.

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

113.8 Reinspection fee. A reinspection of work not in compliance with this code shall be subject to a fee established by the *code official* that shall be in addition to the required *permit* fees. The fee may be assessed when the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for work deviating from the approved, or the work or test is not in compliance with this code.

113.9 Fee refunds. The *code official* shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The *code official* shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
3. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work on a project has been performed under a permit issued in accordance with this code.

(SECTIONS 114 THROUGH 119 RESERVED)

PART 3 – GENERAL REQUIREMENTS

SECTION 120 UNSAFE STRUCTURES, EQUIPMENT, AND CONDITIONS

120.1 General. If any building, structure, premises or part thereof, or appliance, equipment, or system is found to be unsafe by the *code official*, or found in the case of a building or structure to be unfit for human occupancy, the condition shall be abated whenever possible, but if abatement is not achieved or is non-achievable, then condemnation shall be undertaken in accordance with the provisions of this code.

120.1.1 Notice to building official. Abatement requiring repairs, *alterations*, remodeling, removing or demolition shall be referred to the *building official*.

120.1.2 Unsafe structures. An unsafe structure is a structure that is dangerous to the life, health, or safety of the public or to the *occupants* when:

1. There are no minimum safeguards provided to protect or warn *occupants* in the event of fire; or
2. Such structure contains unsafe equipment or is so damaged, decayed, dilapidated, is structurally unsound, is of such faulty construction, or has such an unstable foundation, that partial or complete collapse is possible.

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

120.1.4 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, is unlawful or, because its degree of disrepair, or its want of maintenance, is unsanitary, vermin or rat infested, filthy and contaminated, lacking *ventilation*, illumination, sanitary, heating facilities or other essential equipment required by this code, or because the structure is in proximity to an unsafe or dangerous condition that constitutes a hazard to the *occupants* of the structure or to the public.

120.1.5 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to this code.

120.1.6 Structure and premise that are dangerous to the life, health or safety of the public or occupants. For the purpose of this code, any structure or *premises* that have any or all of the following conditions or defects shall be considered dangerous, and shall constitute an unsafe structure:

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

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

120.3 Evacuation. The *code official* or the fire department official in charge of an emergency incident shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe due to hazardous conditions that present an imminent danger to occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the incident.

120.4 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 120.4.2. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 120.4.1.

120.4.1 Form of notice. Such notice of shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the unsafe condition into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the penalties set forth in this code or as may be adopted and authorized by state and/or local law.

120.4.2 Service of notice. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

120.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" or "CONDEMNED" as applicable, and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

120.5.1 Placard removal. The *code official* shall remove the placard whenever the unsafe conditions have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided for by the jurisdiction.

120.6 Prohibited occupancy. Any structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. It shall be unlawful for any person to occupy or to allow others to occupy a placarded *premises*, or to operate or allow others to operate any placarded equipment.

120.7 Abatement. The owner, operator, or occupant of a building, structure, premises, or equipment deemed unsafe by the *code official* shall abate or correct such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

120.7.1 Summary abatement. Where conditions exist that are deemed an *imminent danger* as described in Section 121.1 that will necessarily result in injury to occupants or the public, the *code official* or fire department official in charge of the incident is authorized to summarily abate such unsafe or hazardous conditions.

120.8 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition. The record of an unsafe condition as outlined herein shall be retained by the *code official* for the period required for retention of public records.

SECTION 121 EMERGENCY MEASURES

121.1 Imminent danger. When, in the opinion of the *code official*, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the 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 defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required *repairs*, removing the hazardous condition, or of demolishing the same.

121.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

121.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

121.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

121.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

121.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 122 SERVICE UTILITIES

122.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel, power, water system or *sewer* system to any building, structure or system that is regulated by this code for which a permit is required, until approved by the *code official*.

122.2 Temporary connection. The *code official* shall have the authority to authorize the temporary connection of the building, structure or system to the utility source of energy, fuel, power, water system or *sewer* system.

122.3 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 122.1 or 122.2. The *code official* shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 123 TEMPORARY STRUCTURES, EQUIPMENT, SYSTEMS AND USES

123.1 General. The *code official* is authorized to issue a permit for temporary structures, equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

123.2 Conformance. Temporary structures, equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

123.3 Termination of approval. The *code official* is authorized to terminate such permit and to order the temporary structure, equipment, system or use to be discontinued.

SECTION 124 MAINTENANCE

124.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

124.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

124.2.1 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times, or such records as designates shall be filed with the *code official*.

124.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

124.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

124.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

SECTION 125 DEMOLITION

125.1 General. The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is deteriorated or dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to board up and hold for recommencement of work, or to demolish and remove such structure. Boarding up the building for future repair or recommencement of work shall not extend beyond one year, unless *approved* by the *code official*.

125.2 Notices and orders. All notices and orders shall comply with Section 111.2.

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

125.4 Salvage materials. When any structure has been ordered demolished and removed in accordance with Section 125.3, 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.

125.5 Existing remedies. The provisions in this code 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 or insanitary.

The purpose of this proposal is to provide correlation of all Chapter One provisions between all I-Codes. Though many provisions have been editorially changed, the intent and application of all Chapter One requirements remain unchanged. Provisions that are specific to a particular code have not been changed.

To achieve this correlation, the main Sections and Subsections of Chapter 1 are reorganized in an order that is more relative to their hierarchy. Also, these Main Sections may be relocated to the correct Part 1 (SCOPE AND APPLICATION), or Part 2 (ADMINISTRATION AND ENFORCEMENT) of Chapter One.

This proposal also adds a new Part 3 (GENERAL REQUIREMENTS) that includes those requirements that are neither applicable to scope, application, administration, or enforcement, but are general in nature to that particular code. These general requirements include: *Unsafe Structures, Equipment, and Conditions; Emergency Measures; Service Utilities; Temporary Structures, Equipment, Systems and Uses; Maintenance; Demolition*; and in the IFC, *Operational Permits*. These general requirements start at Section 120.

With the exception of the IZC, Sections 114 through 119 are shown as "Reserved". This will allow future Sections for provisions relative to administration and enforcement to be added without the need for extensive section renumbering. In the case of the IZC, Sections 114 through 117 are already used.

For the purpose of clarity, Item #1 is not shown in legislative text. It is intended that Item #1 be the template for all I-Codes Chapter One's. Items #1A through #1M are shown in legislative text to allow one to see the changes of incorporating the template into each I-Code. As a few punctuation marks or words may have slipped through the cracks during editing, it is intended that the master template shown in Item #1 be used for all I-Codes, with those requirements that are specific to a particular code be inserted into the template for that code.

For additional correlation between all I-Codes, some main Sections and Subsections that appear in other I-Codes are added, or current Subsections within a code may be moved into a new Main Section. As an example, some codes may have only one or two Subsections (paragraphs) relating to a particular topic (e.g., "Violations", "Fees", etc.). In these cases these Subsections are incorporated into a new full Main Section.

You will also notice that six new charging provisions have been added for those items that are specific to that code. These item specific areas are **1)** Section 102.11 - *Specific application of this code*; **2)** Section 104.9 - *Specific duties* (of the code official); **3)** Section 105.1.3 - *Permits specifically required*; **4)** Section 105.2.3 - *Specific exemption* (to permit requirements); **5)** Section 106.2.3 - *Specific Information* (for submittal documents); and **6)** Section 108.2.1 - *Specific Inspections*. This will locate those specific requirements in one Subsection, and allow future specific requirements to be inserted into those Subsections without the need to radically change the Section numbering.

In other instances a general provision that can be applicable to all I-Codes may only occur in one or a few of the I-Codes, but are applicable to all I-Codes. As such, these types of provisions have been incorporated into all I-Codes. An example of this is Section 102.10 – *Contractor's responsibility, and Section 104.8 – Assistance of other agencies*.

In all, this will correlate all related Chapter One requirements in all I-Codes by having the same text of the main provisions and the same Section number sequence. This will provide the ability to incorporate future changes, be them applicable to all I-Codes or just a specific Code, in a more easy manner, and citation to be uniform. Although it may seem that not all of the provisions included in Chapter 1 are applicable to each I-Code individually, from an administration and enforcement standpoint all of the Chapter 1 requirements are applicable for the overall administration and enforcement of the encompassing ICC family of codes and standards.

If during your review of this Proposal you have questions or concerns, please do not hesitate to contact me at either (800) 368-5242 or lbrown@nahb.org in advance of the October Code Development Hearings. This will allow any needed modifications to be developed prior to the hearings.

DEFINITIONS: The addition of these definitions, all currently found in one or more I-Codes, are needed to define these terms as used in Chapter One. These definitions are general in nature and are applicable to all I-Codes in the same manner and use. In some cases the same terms was defined using different text in different I-Codes, though the intent and meaning of the definition was the same. In these cases the text of the different definitions were combined into one revised definition for use in all I-Codes.

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

PART I – IBC

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

PART II – IEBC

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

PART III – IECC

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

PART IV – IFC

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

PART V – IFGC

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

PART VI – IMC

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

PART VII – IPC

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

PART VIII – IPMC

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

PART IX – IPSDC

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

PART X – IWUIC

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

PART XI – IZC

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

PART XII – IRC BUILDING/ENERGY

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

ICCFILENAME: BROWN-EB2-CHAPTER 1-ALL CODES-FILE-4.DOC

ADM2–09/10

IBC 101.2; IEBC 101.2

Proponent: Patrick Vandergriff, Vandergriff Code Consulting Services

Revise as follows:

IBC 101.2 (IEBC 101.2) Scope. The provisions of this code shall apply to the construction, ~~alteration, movement~~ relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Reason: The proposed change uses the phrase relocation which is used thirteen times in the International Existing Building /Code and other areas of the code and provides uniformity in language.

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

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

ICCFILENAME: VANDERGRIF-ADM1-107.1 COMP.DOC

ADM3–09/10

PART I: IBC 101.3, K101.3; IMC 101.3; IFGC 101.4; IPC 101.3; IPSDC 101.3, IECC 101.3; IFC 101.3; IEBC 101.3; IPMC 101.3; IWUIC 101.3; IZC 101.2

PART II: IRC R101.3

Proponent: Zaida Basora, AIA, Building Official, City of Dallas; in consultation with the Codes Committee of the U.S. Green Building Council

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC, IMC, IFGC, IPC, IPSDC, IECC, IFC, IEBC, IPMC, IWUIC, IZC

1. IBC – Revise as follows:

101.3 Intent. The purpose of this code is to establish the minimum requirements for the built environment to safeguard the public health, safety and general welfare through provisions that address:

1. Structural strength, means of egress facilities, stability, durability, sanitation, adequate light and ventilation, energy conservation and accessibility;
2. Safety to life and property from fire and other hazards attributed to the built environment; and to provide
3. Safety to of fire fighters and emergency responders during emergency operations; and
4. Sustainable practices in building design, construction and use.

K101.3 Intent. The purpose of this code is to establish the minimum requirements for electrical equipment and systems in the built environment to safeguard the public safety, health and general welfare through provisions that address:

1. Design, quality of materials, construction and installation, durability, operation and maintenance;
2. Safety to life and property from fire and other hazards attributed to the built environment; and
3. Sustainable practices in building design, construction and use.

2. IMC – Delete and substitute in its entirety as follows:

~~**101.3 Intent.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.~~

101.3 Intent. The purpose of this code is to establish the minimum requirements for mechanical equipment and systems in the built environment to safeguard the public safety, health and general welfare through provisions that address:

1. Design, quality of materials, construction and installation, durability, operation and maintenance;
2. Safety to life and property from fire and other hazards attributed to the built environment; and
3. Sustainable practices in building design, construction and use.

3. IFGC – Delete and substitute in its entirety as follows:

~~101.4 Intent.~~ ~~The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems.~~

101.4 Intent. The purpose of this code is to establish the minimum requirements for fuel gas equipment and systems in the built environment to safeguard the public safety, health and general welfare through provisions that address:

1. Design, quality of materials, construction and installation, durability, operation and maintenance;
2. Safety to life and property from fire and other hazards attributed to the built environment; and
3. Sustainable practices in building design, construction and use.

4. IPC – Delete and substitute in its entirety as follows:

~~101.3 Intent.~~ ~~The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.~~

101.3 Intent. The purpose of this code is to establish the minimum requirements for plumbing equipment and systems in the built environment to safeguard the public safety, health and general welfare through provisions that address:

1. Design, quality of materials, construction and installation, durability, operation and maintenance;
2. Safety to life and property from fire and other hazards attributed to the built environment; and
3. Sustainable practices in building design, construction and use.

5. IPSDC – Delete and substitute in its entirety as follows:

~~101.3 Intent.~~ ~~The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of private sewage disposal systems.~~

101.3 Intent. The purpose of this code is to establish the minimum requirements for private sewage disposal equipment and systems in the built environment to safeguard the public safety, health and general welfare through provisions that address:

1. Design, quality of materials, construction and installation, durability, operation and maintenance;
2. Safety to life and property from fire and other hazards attributed to the built environment; and
3. Sustainable practices in building design, construction and use.

6. IECC – Revise as follows:

101.3 Intent. This code shall regulate the design and construction of buildings through provisions that address sustainable practices for the effective use of energy. This code is intended to provide flexibility to permit the use of innovative approaches and techniques ~~to achieve the effective use of energy~~. This code is not intended to abridge, but to augment, safety, health or environmental requirements contained in other applicable codes and ordinances.

7. IFC – Revise as follows:

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations. This code is not intended to abridge, but to augment, safety, health or environmental requirements contained in other applicable codes and ordinances.

8. IEBC – Revise as follows:

101.3 Intent. The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard public health, safety and general welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings. This code supports responsible alteration and reuse of buildings to enhance and protect the long term investment of materials and resources in existing structures.

9. IPMC – Revise as follows:

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and general welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. This code supports the responsible performance and maintenance of buildings to protect the long term investment of materials and resources inherent in existing structures. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety required herein.

10. IWUIC – Revise as follows:

101.3 Objective. The objective of this code is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this code are intended to mitigate the risk of life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. This code encourages the maintenance of the investment of materials and resources in buildings and structures and the preservation of surrounding wildland resources. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

The unrestricted use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the wildland-urban interface areas.

11. IZC – Revise as follows:

101.2 Intent. The purpose of this code is to safeguard the public health, property and public general welfare by controlling the design, location, use or occupancy of all buildings and structures through ~~regulated and~~, regulations supporting long term solutions, that result in orderly development of land and land uses within this jurisdiction that are sensitive to the environment and the community.

PART II – IRC BUILDING/ENERGY

Revise as follows:

R101.3 Intent. The purpose of this code is to establish the minimum requirements for the built environment to safeguard the public ~~health, safety, health~~ and general welfare through provisions which address:

1. Affordability, structural strength, means of egress facilities, stability, durability, sanitation, light and ventilation, and energy conservation~~and;~~
2. Safety to life and property from fire and other hazards attributed to the built environment; ~~and to provide~~
3. Safety ~~to~~ of fire fighters and emergency responders during emergency operations; ~~and~~
4. Sustainable practices in building design, construction and use.

Reason: General:

Purpose: Align the intent statements of the I-Codes for consistency, reformat the statements for improved clarity, and add a provision for sustainability to the intent statements: "Sustainable practices in building design, construction and use."

Note: This code proposal updates the Intent section of each of the I-Codes to incorporate sustainability as a core principle. The intent statements vary widely from one code to the next so the language varies accordingly but the principle is the same and this proposal strives to update some outdated language, maintain specific relevance, and improve consistency and clarity.

1. INTEGRATING PUBLIC HEALTH, SAFETY AND WELFARE AND THE ENVIRONMENT

This proposal recognizes a fundamental link between “safeguarding the public health, safety and general welfare” and preserving a safe and healthy natural environment. There is widely recognized and growing evidence that many of the immediate and cumulative negative impacts of the built environment threaten the health and viability of the natural systems underlying human health and welfare. The importance of this connection has been acknowledged in policy positions of the International Code Council and organizations including the American Institute of Architects (AIA), the American Society of Civil Engineers (ASCE), the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), the American Planning Association (APA), the World Business Council for Sustainable Development (<http://www.wbcd.org/web/about/members.html>), which includes many of the largest companies in the US and the world, and many others.

The health and welfare of humans and society depend directly on the health and viability of ecological and natural systems and on many critical non-renewable resources. Safeguarding the public from hazards attributed to the built environment necessarily includes addressing these larger hazards created by building practices. The benefits of enabling more sustainable practices extend beyond improving environmental and human health, to creating a more sustainable economy, greater social equity and more resilient communities. Improving the efficiency of resource use, reducing waste and pollution, improving indoor environmental quality, and enabling water and energy saving strategies relieve pressures on public infrastructure, reduce public expenditures, and increase health and productivity of everyone, at home, in schools and at work.

2. NOT REPLACING EXISTING PROVISIONS OR COMPROMISING SAFETY

Adding sustainability to the intent of the code does not negate any other provisions. Sustainability identifies a consideration that, in addition to existing safety goals, addresses systemic risks, providing increased safety with respect to the cumulative impacts of construction-related activities that create risks to building occupants, the general public, and future generations. Though these are hazards attributable to the built environment, and thus part of the responsibility for safeguarding the public, they have not previously been recognized or explicitly acknowledged in the codes. Adding this provision will aid code officials in interpreting the codes as supporting practices that seek to address both the current concerns and the large-scale and long-term risks that are emerging. Code enforcement during plan review and site inspections determines the fundamental safety conditions of a building that will impact the health and safety of occupants for the life of the building after the Certificate of Occupancy is issued. Consideration of more sustainable practices is important for maintaining safety both in the immediate and long term.

3. STATEMENTS ON SUSTAINABILITY

Incorporating sustainability into the intent and purpose statements of the I-Codes is parallel to commitments and statements made by several leading organizations representing regulatory bodies and the design, building and development sectors.

AIA (American Institute of Architects):

A. Excerpted from “AIA Position Statement #41 on Sustainable Built Environment,” December 2008

“The AIA supports governmental and private sector policy programs, and incentives to encourage a built environment that embodies the advantages of sustainable architecture.”

<http://www.aia.org/aiaucmp/groups/aia/documents/pdf/aias078764.pdf>

B. Excerpted from “Sustainable Architectural Practice Position Statement,” 2005:

“The AIA recognizes a growing body of evidence that demonstrates current planning, design, construction, and real estate practices contribute to patterns of resource consumption that seriously jeopardize the future of the Earth's population. Architects need to accept responsibility for their role in creating the built environment and, consequently, believe we must alter our profession's actions and encourage our clients and the entire design and construction industry to join with us to change the course of the planet's future.”

<http://www.aia.org/aiaucmp/groups/aia/documents/pdf/aias077734.pdf>

APA (American Planning Association):

Excerpted from the “Policy Guide on Planning for Sustainability” – Section I: Findings, April 2000:

“...Over the last 40 years, the increase in per capita energy and material consumption has increased even faster than the world's human population. Scientists estimate that our present consumption level is exceeding the Earth's carrying capacity by 30%. We are making up that difference by depleting “natural capital”. The United States leads the world in material consumption and waste generation...”

“...Modern economies rely on a host of substances that are not part of nature's cycle of growth and decay. Because these substances are not renewable, their supplies are constantly diminishing. This causes competition for limited resources, with societal repercussions and resulting damage to the environment...”

“...The use of substances that accumulate in the ecosphere and are not part of nature's cycle causes environmental pollution in various forms. Carbon dioxide has increased 30% over its natural occurrence in our atmosphere. Poisonous elements mined from below the Earth's crust, such as cadmium and lead, are found at five and eight times, respectively, their natural rates in the ecosphere. Over 70,000 chemical compounds are now present and accumulating in the ecosphere. Many of these may be toxic to humans or other species.”

<http://www.planning.org/policy/guides/adopted/sustainability.htm>

ASCE (American Society of Civil Engineers):

A. Excerpted from “ASCE Code of Ethics” –Fundamental Canons, July 2006, the first of which states:

“1. Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.”

<http://www.asce.org/inside/codeofethics.cfm>

B. Excerpted from “The Role of the Civil Engineer in Sustainable Development” – Policy Statement #418, April 2007:

“ASCE Code of Ethics requires civil engineers to strive to comply with the principles of sustainable development in the performance of their professional duties.”

http://www.asce.org/pressroom/news/policy_details.cfm?hdlid=60

ASHRAE (American Society of Heating, Refrigeration and Air-conditioning Engineers):

Excerpted from “Sustainability Roadmap,” January 2006

“To achieve and maintain a position of leadership, ASHRAE will:

- Expand our efforts to foster sustainable buildings.*
- Conduct our own affairs of the Society in a sustainable manner...*
- Integrate building sustainability principles, effective practices and emerging concepts into all appropriate ASHRAE standards, guidelines, research, Handbook chapters, and other publications.”*

http://www.ashrae.org/docLib/200621485921_886.pdf

ICC (International Code Council):

A. Excerpted from "Council Policy #35 - 08 – Sustainable Building Technology Committee," September 2008

"...2.1 To work for the continual improvement of ICC Codes, Standards and Guidelines in the areas of sustainability and high performance. This includes the development of proposed code changes, and analysis/response to sustainability-related changes submitted by others..."
<http://www.iccsafe.org/news/about/pdf/CP35-08.pdf>

B. Excerpted from "Council Policy Position on Green Buildings/Sustainable Communities" – ICC PS 1-2006

"...The Code Council must lead the building safety field: ...

- In monitoring and advocating in the legislative, regulatory and codes arena to give Code Council members the opportunity to speak for sustainable building safety;
- Promote the environmental features of the I-Codes and reinforce the understanding that safety and sustainability are both achievable;
- Promote the understanding that the I-Codes and the Code Council safety system facilitate the application of sustainable building policy..."

http://www.iccsafe.org/news/green/Green_Building_policy.pdf

4. SOCIAL VALUE / PUBLIC GOOD

The history of building codes and standards reveals a continuous evolution in understanding and addressing risks as society recognizes them and deems them important enough to require regulation. Public health, safety, and general welfare represent evolving social values. Addressing accessibility of building facilities for users with disabilities is an example of a social issue that was at one time unaddressed by codes and now is fully addressed throughout the building code, in other codes, and as a separate ANSI standard. Affordability, a social issue, is now addressed in the intent statement of the IRC. The NAHB wrote in its supporting statement for adding affordability to the code, "inclusion of "affordability" in the IRC is needed to clarify that safeguarding the public welfare includes concerns about the affordability of housing". The same is true for sustainability. Whether it is through protecting the health of community or regional ecosystems, saving costs of operations and maintenance, reducing negative community impacts, reducing demand for electricity and water, improving occupant and employee health and productivity, or maintaining clean air, the public is demanding better buildings that address these important concerns.

5. BUILDING IMPACTS - LOCAL

Buildings never exist in isolation. They provide a visible, tangible component of the physical infrastructure of a place, town or region. And no matter where it is located, a building has impacts related to its initial construction and the resources necessary to sustain it over time. Whether it is the utility system, the traffic system, the waste stream, flows of equipment and supplies for operations, or the micro-climate impacts of shade, heat, wind or storm runoff, the permitted designs and methods of construction will affect the building occupants and the surrounding environment of the jurisdiction for its lifetime and beyond.

6. BUILDING IMPACTS - GLOBAL

There are negative impacts at every point of the lifecycle of a material or product – whether at extraction or harvest, transport or distribution, alteration or manufacture, construction, installation, use, and later deconstruction, demolition, or destruction. Given that the citizens of a jurisdiction, of a region and even citizens of the world pay the price when such impacts are unregulated and unchecked—effectively externalized to the Commons—and that those impacts are now widely recognized, the public and leading industries and businesses should address these broader impacts. Local activities have both local and global consequences, with both short- and long-term effects. This reality needs to be an inherent part of the process of designing, regulating, building and operating buildings. Incorporating sustainability into the intent provisions of the I-Codes begins the process of acknowledging this reality and its importance.

7. INDUSTRY ADVANCING

In recent years industry professionals and the public have developed a new understanding that short-term focus on first costs along with wasteful building practices can lead to long term costs and system failures. In the arena of energy efficiency, the cheapest, easiest building to construct often becomes the costliest, most maintenance-intensive building to operate. Buildings full of chemicals that retard moisture, rot, mildew, insects, or flame-spread are, in some cases, negatively impacting the health of building occupants. Industry is learning from and adapting to market demand for better buildings and emerging information from the fields of building science, biology, ecology and human health, and it is essential that knowledge be integrated into standard practice. Building regulations should support, not impede this transition to healthier, more sustainable practice.

8. NOT GREEN BUILDING CODE

This is not a green building provision. Green buildings are typically considered above-code or high performance buildings and rating systems exist to define them. New green building codes will set standards for green building designs in enforceable language. As some green building practices become commonplace they will find their way into the ICC family of codes. Having sustainability as a scoping provision will provide the vehicle for transitioning to more sustainable building construction over time. While green buildings may be more likely to be sustainable buildings, they are not necessarily sustainable just because they meet the criteria of a rating system.

9. NOT DEFINING SUSTAINABILITY

Just as the terms "health," "safety," and "welfare" are not defined in the code, we will not attempt to define Sustainability here. This will be for code officials to determine during the consideration of future code proposals one at a time – each on its own merit. The level of safety within the codes is decided by each final action proposal that is passed by ICC membership. Consideration is given to balancing the risks to public health, safety, and welfare against the costs for compliance and consequences of enforcement on building owners, occupants and safety professionals. This will not change.

10. NOT TOO EARLY

Sustainability addresses a set of issues that are increasingly recognized as urgent today, are already included in many European and other national codes, and should already be in U.S. codes. Regulations always lag behind both innovation and the emergence of new risks or new understanding about existing risks. The design, construction and development industry is already well ahead of the codes and this will only increase in coming years. As it stands, the codes affected by this proposal will not be published until 2012, and will likely not be widely adopted for several more years after publication, meaning that official recognition of the need to incorporate sustainable practices into the building regulatory system will not appear for several years. The changes proposed set the stage for more rapid acceptance and advancement of changes that are already taking place. As techniques, methods and strategies make their way into the market, they will become the norm. As they become the norm, they become candidates for code requirements. Without explicit support for such changes, the codes will be an impediment to responsible change, rather than increasing public safety and welfare. Response to water and energy shortages, climate change and other factors are already driving many jurisdictions to develop their own ordinances, codes and standards in efforts to address realities that exist on the ground today. There should be no question about the need to incorporate these changes in the 2012 family of International Codes.

Explanation of Proposed Changes to Each Code:

Section 101.3, Intent of the 2009 IBC reads as follows:

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

In developing the 13 proposed revisions to 12 International Codes, the existing intent statement of the IBC formed the base platform from which the proposals for all the other codes were then constructed. The existing intent of the IBC already covers many topics but it doesn't fully address the total scope of the current code. The primary intent of this proposal is to add one provision which clarifies the code's role in supporting the shift to sustainable building practices. This is principally accomplished by adding item 4 to the existing three items in the IBC intent statement but also by adding 'durability' to the first item. It became clear to us in developing this proposal that the existing intent statements would be clearer to all if reformatted. Therefore, the final piece of the proposal is a revised format. This proposal provides a clearer format for the intent statement by creating a list. The existing intent statement results in Items 1 through 3. A final change for the IBC is to add 'accessibility' into Item 1's list of broad elements of the code. The IBC is the main location of accessibility standards in the International family of codes and that should be acknowledged in the intent statement.

Intent sections of the IMC, IFGC, IPC, IPSDC and Appendix K of the IBC

These four codes and Appendix K of the IBC are similar codes to each other in that they address specific systems within and serving the building. They are also similar to the IBC and IRC in that they are primarily 'new construction codes'. As similar codes, their existing intent statements are very similar to each other, with unique text for each discipline. However these intent statements are significantly different than the IBC or IRC statements. As an example of these intent statements, the IMC Section 101.3 is shown below:

101.3 Intent. The purpose of this code is provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

The proposals for these 4 codes and the electrical administrative provisions of IBC Appendix K provide similar language and format to the proposals for the IBC and IRC, yet maintain the unique focus of each code's intent. Language was modernized and made consistent with the IBC and IRC in stating that the intent is to 'safeguard the public health, safety and general welfare. Because the revisions were presented in a new format, it was clearer to show these proposals as 'delete and replace' text. Existing intent provisions from these 5 documents is provided in the charging text and Items 1 and 2. Item 3 reflects the goal of sustainable practices for each system.

Section 101.3, Intent of the IECC

The IECC is already a sustainable practices code. Therefore the existing intent fairly well addresses the need for minimizing the use of energy by buildings constructed under its provisions. The proposed changes are mostly to establish similar language as provided in the other proposals. Further, we propose adding the text to clarify that the IECC doesn't supersede the safety standards of the other construction codes, but is a partner with them. The intent of the IECC does not lend itself to the same formatting as proposed for the 7 previous codes.

Intent sections of the IFC, IEBC and IPMC

These three codes do not have a primary focus of new construction as covered by codes in Parts 1 through 8, but have a primary focus on the maintenance of existing buildings in a safe and occupiable condition. (Although the IFC does contain many new construction standards.) One can say that these codes are already fully engaged in sustainability. The whole concept of taking action to maintain buildings so that they will survive and that people in them won't be harmed by what is in them is embodied in each of these codes. As such their existing intent statements already differ significantly from the 'construction' codes. However the phrasing and text in the existing intent statements was not consistent with each other, or with similar language in the construction codes.

IFC: The IFC has many of the provisions found in the IBC Intent Section 101.3 spread in two sections - 101.2 Scope and 101.3 Intent. For your convenience Section 101.2 is reproduced below: It is already in the list format we've proposed for the construction codes.

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

Therefore the only proposed amendment is to Section 101.3. This proposal adds a sentence parallel to the sentence which is present in the IECC. That proposed sentence is: This code is not intended to abridge, but to augment, safety, health or environmental requirements contained in other applicable codes and ordinances.

IEBC: While the title is the Existing Building Code, its primary purpose is addressing the reuse of existing buildings as well as guiding additions and alterations. Reuse and upgrading the existing building stock is perhaps one of the most 'sustainable' practices in development. The IEBC provides alternatives for compliance that encourages use of existing materials, yet upgrading to current standards and technologies where appropriate. The proposed new sentence is intended to make plain the goal of this code and how it relates to the sustainability of development as it relates to existing buildings. The term "general" was added for consistency with other codes.

IPMC: The Property Maintenance Code only addresses maintenance of existing structures and their continued safe use. It does not address remodeling or other upgrades as addressed in the IEBC. The basic intent of the IPMC is keeping what is there in good condition so that use can be continued and is safe and healthy. In a broad sense the IPMC is a code about sustainability. The proposed new sentence is intended to make plain the goal of this code and how it relates to the sustainability of existing buildings.

Section 101.3 The "Objective" of IWUIC

The IWUIC is unique in many ways. First it doesn't have an "Intent" section, but rather it has an "Objective". It is also unique in that it provides for construction standard for buildings in fire risk areas, but also contains maintenance provisions. Perhaps the IWUIC can be viewed as ICC's first "green" code in that it addresses the need for the built environment and the natural environment to co-exist. Its goal could be summarized by saying it intends to keep the forest wildlands from burning down the built environment and to keep the built environment from burning down the neighboring wildlands. Similar to the proposals to the IEBC and IPMC, the proposed additional language is only to make plain this existing intent of the IWUIC

Section 101.2. Intent of the IZC.

The IZC is another unique code in the ICC galaxy of codes. While the balance of the International Codes are focused on building construction and maintenance, the IZC is focused on the rational use of land. Yet while the IZC should be more closely linked to the use of the key resource, land; its intent statement doesn't clearly address sustainability. Because of its unique role, the proposal is also unique through enhancing the codes focus on long term solutions to zoning decisions as well as the clearly needed statement of relating zoning development to the existing environment - be that the natural environment or the community environment.

Part II: Section R101.3, Intent of the 2009 IRC

The existing intent provisions of the IRC mirror the provisions of the IBC but with a slightly different listing of public health, safety and general welfare. This proposal for the IRC would make this intent statement consistent with the IBC intent statement with one key difference. The existing IRC intent section includes the word 'affordability' in its provisions. This is unique to the IRC and this proposal does nothing to change that nor to extend it to other codes. This proposal continues the parallel construction already existing between the IBC and IRC and would add the same text as proposed for the IBC as well as establishing the same format.

The Performance Code

The Performance Code was reviewed to determine if similar revisions needed to be proposed. There are already numerous, and sufficient goals statements spread throughout the Performance Code. No additional revisions are proposed.

Cost Impact: The code change proposal will not increase the cost of construction. Subsequent proposals by others addressing sustainable practices may increase initial construction costs, however, a growing body of evidence indicates that more sustainable design and building practices often have no cost implications and sometimes reduce construction costs, while typically reducing operating costs and other negative impacts, improving the long-term affordability of ownership and operation.

PART I – IBC, IMC, IFGC, IPC, IPSDC, IECC, IFC, IEBC, IPMC, IWUIC, IZC

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

PART II – IRC BUILDING/ENERGY

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

ICCFILENAME: BASORA-ADMIN1-101.3 sub only

ADM4–09/10

IBC 102.4; IEBC 102.4; IECC 106.1; IFC 102.7; IFGC 102.8; IMC 102.8; IPC 102.8; IPMC 102.7; IPSDC 102.10; IWUIC 102.4; IRC 102.4

Proponent: Jonathan Humble, Chair, ICC Referenced Standards Committee

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING AND ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC; IEBC; IECC; IFC; IFGC; IMC; IPC; IPMC; IPSDC; IWUIC; IRC

1. IBC Revise as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 through 102.4.3.

102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the International Codes listed in Section 101.4, the provisions of this code or the International Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

2. IEBC Revise as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code as applicable, shall take precedence over the provisions in the referenced code or standard.

3. IECC Revise as follows:

106.1 General Referenced codes and standards. The codes and standards referenced in this code shall be those listed in Chapter 6, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 106.1.1 and 106.1.2.

106.1.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

106.1.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

4. IFC Revise as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 47 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

102.7.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.7.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

5. IFGC Revise as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are *listed* in Chapter 8 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

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

102.8.1 Differences. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

6. IMC Revise as follows:

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply and as further regulated in Sections 102.8.1 and 102.8.2.

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

102.8.1 Differences. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

7. IPC Revise as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 13 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

102.8.1 Differences. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

8. IPMC Revise as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Differences. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

9. IPSDC Revise as follows:

102.10 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.10.1 and 102.10.2.

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

102.10.1 Differences. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.10.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

10. IWUIC Revise as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 7 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Differences. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall govern.

102.4.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

PART II – IRC BUILDING/ENERGY

Revise as follows:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

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

R102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

R102.4.2 Conflicting scopes. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

Reason: The ICC Reference Standards Committee scope is to support the code development committees through the review of reference standards for the International Codes. The ICC Reference Standards Committee is bringing this proposal forward to clarify the intent of the International Codes with respect to the extent of the application of referenced standards.

The use of referenced codes and standards to cover certain aspects of various occupancies and operations rather than write parallel or competing requirements into the code is a long-standing code development principle. Often, however, questions and potential conflicts in the use of referenced codes and standards can arise which can lead to inconsistent enforcement of the code. In the IBC, several sections illustrate this concern, as follows:

Section [F] 415.6.4 **Dry cleaning plants** states: “The construction and installation of dry cleaning plants shall be in accordance with the requirements of this code, the *International Mechanical Code*, the *International Plumbing Code* and NFPA 32. Dry cleaning solvents and systems shall be classified in accordance with the *International Fire Code*.” Based on this text, NFPA 32, *Standard for Dry Cleaning Plants*, 2007 Edition, in Section 4.4.1.1 states, “General building and structure design and construction shall be in accordance with NFPA 5000, *Building Construction and Safety Code*, except as modified herein.” Since the extent of the reference to NFPA 32 in Section 415.6.4 includes “...construction...”, it has happened that designers construed this to mean that the requirements for building construction of dry cleaning plants will be required to follow NFPA 5000 instead on the IBC.

Another example is in the International Mechanical Code, which references ANSI/ASHRAE 15 in sections 1101.6 and 1108.1. ANSI/ASHRAE 15 then references NFPA 54 (ANSI Z223.1) National Fuel Gas Code. This could lead code users to interpret the Mechanical Code to mean that the National Fuel Gas Code is applicable to specific situations rather than the International Fuel Gas Code.

New Section 102.4.2 expands upon the provisions of proposed numbered section 102.4.1 by making it clear that, even if a referenced standard contains requirements that parallel the IBC (or the other referenced I-Codes) in the standards own duly referenced section(s), the provisions of the IBC (or the other referenced I-Codes) will always take precedence. This proposed section does not intend to take the place of carefully scoped and written standards reference text for the I-Codes but, rather, provides the policy underpinnings upon which sound code change proposals can be based.

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

PART I – IBC; IEBC; IECC; IFC; IFGC; IMC; IPC; IPMC; IPSDC; IWUIC

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

PART II – IRC BUILDING/ENERGY

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

ADM5-09/10

IBC 104.10.1 (New), 113.2.1 (New)

Proponent: Rebecca C. Quinn, Department of Homeland Security, Federal Emergency Management Agency

Revise as follows:

IBC 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.2 without the granting of a variance to such provision by the board of appeals.

SECTION 113 BOARD OF APPEALS

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.2.1 Criteria for issuance of a variance for flood hazard areas. If an application for a modification to a provision required in flood hazard areas is received, the board of appeals shall issue a variance only upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

Reason: To be consistent with the requirements of the National Flood Insurance Program (NFIP), any modifications requested by an applicant that would reduce the requirements related to flood resistant construction must be handled by the authority having jurisdiction by granting a variance. The NFIP requires that such modifications be carefully considered and the procedures for that consideration are set forth in federal regulations (44 C.F.R. §60.6(a)). This same limitation on the authority of the building official to grant modification is found in the *International Residential Code* at Section R104.10.1, and the same criteria for consideration of a variance are found at R112.2.2.

Cost Impact: There is no cost impact; communities that participate in the NFIP must process requests to modify or vary the minimum criteria as variances.

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

ICCFILENAME: QUINN-ADM1-104.10.1 COMPLETE.DOC

ADM6–09/10

IBC 105.2; IRC R105.2

Proponent: Rick Davidson, City of Maple Grove, MN

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC

Revise IBC as follows:

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over ~~6 feet (1829 mm)~~ 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

(Remainder of text unchanged)

PART II – IRC BUILDING/ENERGY

Revise as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over ~~6 feet (1829 mm)~~ 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.

(Remainder of text unchanged)

Reason: While this code change may seem petty, it does point out the reality faced by building departments on a daily basis and the conflict that occurs when the point at which fences are regulated hits smack dab in the middle of the height range of commonly constructed fences. The current language establishes the maximum height for a fence not needing a permit at 6 feet. However, fence boards are commonly sold in lengths of 6 feet to 6 feet ½ inch. Coupled with the fact that fences are almost always constructed with fence boards slightly above grade and your standard six foot fence is most often 6 feet 1 inch to 6 feet 2 inches high. Fences are often constructed because of a dispute between neighbors. Then one of those neighbors will often complain to the building department that their neighbor should have a permit to construct a fence that is only an inch or two more than six feet. This attempt to place the building department in the middle of the dispute is often successful. Raising the height when a permit is needed to seven feet will not have any significant impact on the design of fences and changes the point when a permit is required to a height that is not as likely to conflict with standard construction practices. This would be much better public policy.

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

PART I – IBC

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

PART II – IRC BUILDING/ENERGY

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

ICCFILENAME:DAVIDSON-RB4-105.2.DOC

ADM7–09/10

IBC 105.2.4 (New); IEBC 105.2.4 (New); IRC 105.2.4 (New)

Proponent: Patrick Vandergriff, Vandergriff Code Consulting Services

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC/IEBC

Add new text as follows:

IBC 105.2.4 (IEBC 105.2.4) Modular buildings. Where there is no change in occupancy, alteration of floor plan, or structural alteration of a previously approved modular building it shall be deemed a legal continuation of occupancy under Section 102.6 of this code and subject to the provisions contained within that section. All site work, foundation work, electrical, mechanical and plumbing connections shall be subject to permitting and compliance with the requirements of this code.

PART II – IRC BUILDING/ENERGY

Add new text as follows:

R105.2.4 Modular buildings. Where there is no change in occupancy, alteration of floor plan, or structural alteration of a previously approved modular building it shall be deemed a legal continuation of occupancy under Section 102.6 of this code and subject to the provisions contained within that section. All site work, foundation work, electrical, mechanical and plumbing connections shall be subject to permitting and compliance with the requirements of this code.

Reason: This changes wording relative to modular buildings and provides them the same protections afforded site built structures where there is no real redesign of layout taking place within the building.

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

PART I – IBC/IEBC

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

PART II – IRC BUILDING/ENERGY

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

FILENAME: VANDERGRIF-ADM4-107.1 Comp

ADM8–09/10

IMC 107.2; IPC 107.2; IFGC 107.2; IBC 110.3; IRC 109.1

Proponent: Wesley R. Davis, Air Conditioning Contractors of America

THIS IS A 3 PART CODE CHANGE. PARTS I AND II WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IMC, IPC, IFGC

Revise as follows:

IMC 107.2 (IPC 107.2, IFGC 107.2) Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, within 15 days, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the mechanical system.

PART II – IBC

110.3 Required inspections. The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10 within 15 days of such notice.

PART III – IRC BUILDING/ENERGY

IRC 109.1 Types of inspections. For onsite construction from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall, within 15 days, either approve that portion of the construction as completed or shall notify the permit holder of his or her agent wherein the same fails to comply with this code.

Reason: Staffing requirements for code enforcement are affected by the forces of economic cycles. In order to assist with the justification for proper staffing levels, it is proposed that code enforcement officials be required to meet their inspection duties within a reasonable prescribed time limit.

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

PART I – IMC, IPC, IFGC

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

PART II – IBC

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

PART III – IRC BUILDING/ENERGY

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

ICCFILENAME: DAVIS-M1-107.2

ADM9–09/10

PART I: IBC 107.2, 107.2.1 (New); IEBC 106.2.1, 106.2.2 (New); IECC 103.2, 103.2.1 (New); IFC 105.4.2, 105.4.3 (New)

PART II: IRC R106.1.1

Proponents: Bill Prindle, ICF International, representing the Energy Efficient Codes Coalition; Jeff Harris, Alliance to Save Energy; Harry Misuriello, American Council for an Energy-Efficient Economy (ACEEE); Garrett Stone, Brickfield, Burchette, Ritts & Stone ; Steve Rosenstock, Edison Electric Institute; Brian Dean, ICF International

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC, IEBC, IECC, IFC

IBC Revise as follows:

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents ~~are permitted to be submitted~~ shall be submitted when required or, if not required, when approved by the building official. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

107.2.2 Summary of code compliance plans provided with construction documents. Construction documents prepared in accordance with section 103.2 shall contain a summary of how the proposed building will meet all of the applicable requirements under this code on separate sheets of such documents to assist code officials in plan reviews and field inspections where required by the code official. The code official may specify a particular format for this document.

IEBC Revise as follows:

106.2.1 Construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents ~~are permitted to be submitted~~ shall be submitted when required or, if not required, when approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *code official*. The work areas shall be shown.

106.2.2 Summary of code compliance plans provided with construction documents. Construction documents prepared in accordance with section 103.2 shall contain a summary of how the proposed building will meet all of the applicable requirements under this code on separate sheets of such documents to assist code officials in plan reviews and field inspections where required by the code official. The code official may specify a particular format for this document.

IECC Revise as follows:

103.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents ~~are permitted to be submitted~~ shall be submitted when required or, if not required, when approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment types, sizes and efficiencies; economizer or energy recovery ventilation system description and efficiency; equipment and systems controls description; fan motor horsepower ~~(hp)~~ and controls description; duct sealing, duct and pipe insulation R-value and location; lighting fixture schedule with wattage and control narrative; and air sealing details including blower door requirements or air barrier criteria checklist.

103.2.1 Summary of code compliance plans provided with construction documents. Construction documents prepared in accordance with section 103.2 shall contain a summary of how the proposed building will meet all of the applicable requirements under this code on separate sheets of such documents to assist code officials in plan reviews and field inspections where required by the code official. The code official may specify a particular format for this document.

IFC Revise as follows:

105.4.2 Information on construction documents. *Construction documents* shall be drawn to scale upon suitable material. Electronic media documents ~~are allowed to be submitted~~ shall be submitted when required or, if not required, when approved by the fire code official. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official.*

105.4.3 Summary of code compliance plans provided with construction documents. Construction documents prepared in accordance with Section 105.5 shall contain a summary of how the proposed building will meet all of the applicable requirements under this code on separate sheets of such documents to assist fire code officials in plan reviews and field inspections where required by the fire code official. The fire code official may specify a particular format for this document.

PART II – IRC BUILDING/ENERGY

R106.1.1 Information on construction documents. *Construction documents* shall be drawn to scale upon suitable material. Electronic media documents ~~are permitted to be submitted~~ shall be submitted when required or, if not required, when approved by the building official. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official where required by the building official, all braced wall lines, shall be identified on the construction documents and all pertinent information data and features of the building, systems and equipment as herein governed. Details shall include including, but are not limited to, as applicable, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided. ; insulation materials and their R-values; fenestration U-factors and SHGCs; area weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment types, sizes and efficiencies; economizer or energy recovery ventilation system description and efficiency; equipment and system controls description; fan motor horsepower and controls description; duct sealing, duct and pipe insulation R-value and location; lighting fixture schedule with wattage and control narrative; and air sealing details including blower door requirement or air barrier criteria checklist.

Reason: This purpose of this proposal is to update the language of this section to reflect additional requirements added since this provision was last revised and also to improve the clarity of required information on the construction documents. The information on constructions documents section has also been modified to include language that allows the code officials to require paperless document submittal.

This proposal also adds a new subsection permitting the code official to require that a separate summary of how the proposed building will meet all of the requirements under this code be provided as part of the construction documents. This provision also permits the code official to specify a particular format for this submittal. The effect of these provisions is to enhance code compliance and ease of enforcement of the energy code requirements.

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

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

ADM10–09/10

IBC 107.2.2; IFC 105.4.2.1

Proponent: Jeff Hugo, CBO, National Fire Sprinkler Association

Revise as follows:

IBC 107.2.2 (IFC 105.4.2.1) Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9, and shall be prepared by persons who have knowledge, experience and skills necessary to layout fire protection systems and possess a technician level credential satisfactory to the building and/or fire official.

Reason: The development of shop drawings is not the practice of an engineer. The engineer is responsible to designate to the layout technician the water supply information and the specific hazard of the structure, which is typically located on the architectural plans. The fire sprinkler layout technician then takes the water supply information and hazard category and hydraulically lays out the piping and sprinkler location for the most efficient fire sprinkler system in accordance with the engineer's specifications and nationally accepted standards and the adopted code of the jurisdiction.

The role of the engineer and fire sprinkler layout technician in fire sprinkler design both have important roles, but distinct duties. The fire sprinkler layout technician more than likely consults the engineer in obtaining the water supply information and could consult on the most restrictive hazard or commodity of the structure. However, the fire sprinkler layout technician can only layout fire sprinkler system according to the engineer's information.

Frequently, code officials request that shop drawings be signed and sealed by an engineer. This practice is not only illegal to the engineer that stamps the shop drawing (unless the engineer has been certified as a layout technician), but can lead the code official in a false sense of security that the layout documents are properly designed. Layout technicians, specifically NICET Level III or IV have the years of experience and certification(s) necessary to properly layout sprinkler systems and should be required and relied upon by the code official.

Bibliography:

Society of Fire Protection Engineers (SFPE), National Society of Professional Engineers (NSPE), National Institute for Certification in Engineering Technologies (NICET). Position Statement: The Engineer and the Engineering Technician Designing Fire Protection Systems. July 28, 2008

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

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

ICCFILENAME: HUGO-ADM1-106.1.1.1

ADM11–09/10

IBC 107.2.3

Proponent: Tom Lariviere, Chairman, Joint Fire Service Review Committee; Alan Shuman, President, representing the National Association of State Fire Marshals (NASFM)

Revise as follows:

IBC 107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge to the public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Reason: The exit discharge path to the public way is an important component of the means of egress system for all buildings or structures. The exit discharge path needs to be delineated on the submitted and approved plans to ensure the path is reviewed for compliance with the provisions of the code. This will also provide an historical reference once the building is occupied to ensure the exit discharge path is maintained as intended for the life of the building or structure unless modifications are approved.

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

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

ICCFILENAME: LARIVIERE-ADM1-107.2.3COMPLETE.DOC

ADM12–09/10

IBC 107.2.6 (New)

Proponent: William E. Koffel, Koffel Associates, Inc., representing Firestop Contractors International Association

Add new text as follows:

IBC 107.2.6 Protection of penetrations and joints. Where fire resistance designs from approved sources for through or membrane penetration firestop, fire resistant joint systems are used, documentation acceptable to the code official shall be submitted prior to construction to indicate conformance with this code and the construction documents, and shall be approved prior to the start of system installation.

Reason: Fire resistance rated systems and their features should be given the same level of attention in the code as fire sprinklers, detection and alarm systems, as already exists currently in the building code. Recognizing that Firestop Systems are different than sprinkler systems and shop drawings are not required for this work, we changed the name of the requested information from 'shop drawings' to 'fire resistance designs from approved sources'. This language better describes information that must be vital for all parties – architects, AHJ's, contractors, maintenance personnel, during the life cycle of the building. These Through Penetration Firestop Systems and Fire Resistant Joint Systems aren't systems without this documentation. With this documentation, workers can identify systems used and repair / maintain as necessary.

If means of egress, horizontal assemblies, and other compartments are to be protected with fire resistance rated and smoke resistant construction features, then it is considered vital in importance for fire and life safety. When fire, smoke, or fire/smoke resistance rated compartmentation and with firestopping is used for safety, these submissions should be examined with the same scrutiny as other fire protection items during permit process...which then sets up a documentation stream that is used for the life cycle of the building.

Where required by code, compartmentation needs to be properly designed, installed, inspected and maintained for effectiveness when called upon to protect people in buildings. This code change addresses only firestopping, an item that is very detailed, with documentation tracking that is imperative to identifying what is in the penetration or joint firestop system for annual inspection and maintenance, as required by the International Fire Code.

Just like fire protection system shop drawings, this documentation may be submitted by the contractor after the building permit has been initially issued.

Cost Impact: The code change proposal will not increase the cost of construction, as this documentation is required...but not necessarily at this time.

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

ICCFILENAME: KOFFELL-ADM1-107.2.6 NEW

ADM13–09/10

IBC 108.1; IEBC 107.1,

Proponent: Patrick Vandergriff, Vandergriff Code Consulting Services

Revise as follows:

108.1 (IEBC 107.1) General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than ~~180 days~~ 24 months for modular buildings and similar structures. Tents and other membrane structures shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Reason: This change provides for time period for temporary structures that is more in keeping with the issue of buildings used as temporary offices and temporary use buildings during construction projects and for other purposes where the old 180 days is simply not going to cover it. It keeps the building official from having to repeatedly review and re-issue permission over and over on such uses which have become common within the industry. It also provides a vehicle for separating modular or other code constructed structures from the Tent and membrane structures.

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

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

FILENAME: VANDERGRIF-ADM5-107.1 Comp

ADM14–09/10

IBC 109.3.10.1 (New); IRC 109.1.6.1 (New)

Proponent: Rebecca C. Quinn, Department of Homeland Security, Federal Emergency Management Agency

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES

PART I – IBC

Add new text as follows:

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.3.10.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor required Section 1612.5 shall be submitted to the building official prior to the final inspection.

PART II — IRC BUILDING/ENERGY

Add new text as follows:

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required Section R322.1.10 shall be submitted to the building official prior to the final inspection.

Reason: The lowest floor inspection called for in Section 109.3.3 of the IBC (Section R109.1.3 of the IRC) requires submission of documentation of elevations upon placement of the lowest floor and prior to further vertical construction. The purpose for submission at that time is to confirm compliance at a point during construction when insufficient elevation can be corrected most readily. This proposal would require submission of elevation information when construction is completed. Work that is performed subsequent to the placement of the lowest floor may alter the reference level that is deemed the lowest floor. Building owners must provide this 'as-built' documentation when they obtain federal flood insurance policies from the National Flood Insurance Program (NFIP).

Documentation of the 'as-built' lowest floor elevations is required to be obtained and maintained by communities that participate in the NFIP. A building for which the community does not have this documentation is, by federal regulation, considered to be in violation of the minimum NFIP requirements (see definition of "violation" in 44 C.F.R. §59.2). The Federal Emergency Management Agency and state agencies designated to coordinate the NFIP periodically visit communities that participate in the NFIP. The purposes of these visits are to provide technical assistance and to review the community's procedures relative to administering its codes and ordinances that address flood resistant construction and development. Failure to have a copy of the 'as-built' elevation documentation is cited as one of the more frequently observed problems with administrative procedures.

Cost Impact: There is no cost impact as this 'as-built' documentation is required to be obtained and maintained by communities that participate in the NFIP.

PART I – IBC

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

PART II – IRC BUILDING/ENERGY

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

ICCFILENAME: QUINN-ADM2-109.3.10.DOC

ADM15–09/10

IBC 110.6; IECC 104.2; IEBC 109.6

Proponent: John D. McGee, Binswanger Glass Training Center

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING AND ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IBC, IECC, IEBC

Revise as follows:

IECC 104.2, (IBC 110.6, IEBC 109.6) Required approvals. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.

Exception: Glass and glazing applications need not comply, provided the energy use of the building is not increased.

PART II – IRC BUILDING/ENERGY

Revise as follows:

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

Exception: Glass and glazing applications need not comply, provided the energy use of the building is not increased.

Reason: Under this too-rigid standard, no commercial glazing can be performed without first obtaining a permit. Because the ever-dangerous electric, gas, or water categories do not pertain to Glass and Glazing installations, and because glass is not considered a structural component of a building, requiring permits for glazing is ridiculous. Just as each floor provides the support for curtainwall systems, red iron provides the load bearing points for storefront applications. Verification that glass adds no structural value to a building can be obtained from any architectural metal manufacturer.

The only glass and glazing item an inspector should be concerned with is the solar heat gain co-efficiency (U- and R-values), but because the windows are ordered per specifications, energy rated glass should be included in the General Contractor's permit, and should not be required through the glazing firm.

Inspectors work in series, but glass and glazing does not work this way. Because the envelope of a building cannot be left exposed to the elements (and thieves) for long, in most repair or replacement operations, the glazier is done within three hours. Glaziers move much too fast to wait around for an inspector to sign off on each stage of the installation process.

Cost Impact: Undue burden is placed upon the consumer and the glazing firm.

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

ICCFILENAME: MCGEE-EC-1-104.2

ADM16–09/10

PART I: IBC 117 (New), IFC 114 (New), IMC 111(New), IPC 111 (New), IPSDC 111 (New), IFGC 111(New), IWUIC 115 (New), IECC 110 (New), IEBC 118 (New), IPMC 113 (New), IZC 112 (New).

PART II: IRC 115 (New)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE. PART II WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

Proponent: Carl A. Blaisdell, Building Official, City of San Marcos, CA

PART I – IBC, IFC, IMC, IPC, IPSDC, IFGC, IWUIC, IECC, IEBC, IPMC, IZC

Add new section, DIMENSION CONVENTIONS as follows:

SECTION XXX **DIMENSION CONVENTIONS**

xxx.1 General. For purposes of this code, the conventions for use of dimensions shall be in accordance with Sections 117.2 and 117.3.

xxx.2 Absolute measurement. Requirements stated in this code as the following (a) not less than, (b) not more than, or (c) in a range with upper and lower limits, shall mean the requirement is an absolute measurement and dimensional tolerances are not permitted.

xxx.3 Dimensional tolerances. Requirements stated in this code as the following (a) minimum dimension and (b) maximum dimension shall mean the requirements can be increased or reduced by a dimensional tolerance established by the code official or not more than one-half inch (2.54 cm).

PART II – IRC BUILDING/ENERGY

Add new Section R115 DIMENSION CONVENTIONS as follows:

SECTION R115 **DIMENSION CONVENTIONS**

R115.1 General. For purposes of this code, the conventions for use of dimensions shall be in accordance with Sections R115.2 and R115.3.

R115.2 Absolute measurement. Requirements stated in this code as the following (a) not less than, (b) not more than, or (c) in a range with upper and lower limits, shall mean the requirement is an absolute measurement and dimensional tolerances are not permitted.

R115.3 Dimensional tolerances. Requirements stated in this code as the following (a) minimum dimension and (b) maximum dimension shall mean the requirements can be increased or reduced by a dimensional tolerance established by the building official or not more than one-half inch (2.54 cm).

Reason: Public: employees enforcing that code are aware of the absolute and tolerances allowed, however, very few contractors and the general public has any knowledge of these unwritten rules.

Many state codes. E.g. California, mention these definitions. In their codes, for example section 1101.B.4 in the California Building Code refers to these definitions in the disabled accessibility chapter.

Many residential real estate inspectors and accessibility specialists are unaware of the dimensional tolerances and cite installations approved by the city as noncompliant because they are unaware of the allowed tolerances. These definitions will help to eliminate any confusion about what minimum and maximum mean.

Cost Impact: The code change proposal will reduce construction cost, as the installer will know beforehand what tolerances are allowed instead of reinstalling something that in-fact was allowed with a dimensional tolerance.

PART I – IBC, IFC, IMC, IPC, IPSDC, IFGC, IWUIC, IECC, IEBC, IPMC, IZC

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

PART II – IRC BUILDING/ENERGY

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

ICCFILENAME: BLAISDELL-ADM1-117 (NEW)

ADM17–09/10 IECC 101.5.1

Proponent: Joseph Hill, RA, New York State Department of State

Revise as follows:

101.5.1 Compliance materials. The ~~code official~~ applicable State Energy Regulatory authority, or State Energy Code Authority shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code. The code official shall approve above code programs (those which exceed Energy Code requirements), in accordance with Section 102.1.1 Above Code Programs.

Reason: For clarification. For sake of statewide energy code continuity, it would serve to require allowable methodologies for energy code compliance at the State level, while still allowing for the Code Official to approve methods which are *more stringent* than the Energy Code.

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

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

ICCFILENAME: HILL-EC-1-101.5.1

ADM18–09/10 IECC 103.1, 202

Proponent: Ronald Majette, US Department of Energy

1. Add a new definition to Section 202 as follows:

BUILDING INFORMATION MODEL. A digital file containing the building geometry, spatial relationships, geographic information, and quantities and properties of building components created using three-dimensional, real-time, dynamic building modeling software

2. Revise as follows:

103.1 General. Construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional. For buildings over 500,000 sq.ft. the submittal shall also include a *building information model* of the proposed design that includes all information relevant to compliance with this code as outlined in Section 103.2.

Exception: The *code official* is authorized to waive the requirements for construction documents or other supporting data if the *code official* determines they are not necessary to confirm compliance with this code.

Reason: The application and use of building information models (BIM) is becoming increasingly desired by owners, developers, designers, specifiers and contractors. Software is readily available for creation of BIMs, which are essentially a digital file with all the relevant information about a building project. Rather than providing “hard” or “electronic” data for application and use in a series of “human” actions, the availability of a BIM allows transparent and ready “communication” amongst all project team members and in so doing fosters timely collaboration. Through the application and use of BIM the cost of construction can be reduced through improved and more cost effective design solutions that concurrently can address issues such as clash detection before the building is even built. Savings associated with application and use of BIM can then be made available to support the application and use of improved energy designs and more efficient building products and systems.

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

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

ICCFILENAME: MAJETTE-EC-40-103.1.DOC

ADM19–09/10 IFC 101.2

Proponent: Lynne M. Kilpatrick, Seattle Fire Department, representing Washington State Association of Fire Marshals

IFC Revise as follows:

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises, motor vehicles, marine vessels and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

Reason: This code change modifies the scope of the code to include vehicles and marine vessels. There are provisions in Chapter 34 and Chapter 38 that regulate tank vehicles. Also, Section 106.1 gives the fire code official specific authority to enter and examine marine vessels and vehicles for the purpose of enforcing the code. Because vehicles and marine vessels covered by this code it is appropriate to include them in the scope.

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

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

ICCFILENAME:K ILPATRICK-ADM1-101.2 DB

ADM20–09/10 IFC 102.5

Proponent: Lawrence Brown, CBO, National Association of Home Builders (NAHB)

Delete without substitution:

~~**102.5 Application of residential code.** Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:~~

- ~~1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access, and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.~~
- ~~2. Administrative, operational, and maintenance provisions: All such provisions of this code shall apply.~~

Reason: This wording in of this provision is actually only commentary on the current provisions in the IFC with which one already is required to comply. It neither adds a new provision or modifies another provision of the IFC. It is only guidance.

Section 102.1 already states that the provisions of the IFC applies to, "structures...arising after the adoption of this code." Clearly, any one- and two-family dwelling is a "structure", and the provisions of the IFC would apply as specified in the IFC. And, since "premises identification", "fire apparatus access", and "water supplies" are provisions contained in the IFC, compliance with Section 102.1 would require those provisions to be applied to all structures, including one- and two-family dwellings, as applicable.

There is also a problem with the phrase, "Provisions of this code pertaining to the 'exterior of the structure'..." The provisions cited in this provision are actually "exterior" to the structure, not the actual "exterior" of the building structure. This sentence as stated would seem to imply that the exterior surface/structure of a one- and two-family dwelling is regulated by the IFC. That would be incorrect as IFC Section 102.4 required the construction of any structure to be in compliance with the IBC.

Since this text merely gives guidance on the application the Section 102.1, this text should be deleted, and a recommendation should be forwarded to ICC staff to consider including the gist of the text in the IFC Commentary.

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

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

ICCFILENAME: BROWN-ADM1-102.5

ADM21–09/10

IFC 105.1.1

Proponent: Jon Napier, CFM, Kent Fire Department, representing the Washington State Association of Fire Marshals

Revise as follows:

IFC 105.1.1 Permits Required. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment, which is regulated by this code, or to cause any such work to be done, shall first make application to the ~~Permits required by this code shall be obtained from the fire code official and obtain the required permit.~~ Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

Reason: This proposal intends to remove redundant code language and add code language, similar to the IBC, which identifies that the owner or authorized agent shall make application and to obtain a permit. It is important that the owner or the authorized agent performs this function so that they are aware and give consent for the issued permits which may include hazardous materials which could pollute or contaminate the property. The last two sentences were deleted since they are covered as follows; permit fees are now covered in new Section 113.1 and issued permits being kept on the premises and available for inspection are covered in Section 105.3.5.

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

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

ICCFILENAME: NAPIER-ADM 1-105.1.1 COMPLETE.DOC

ADM22–09/10

IPMC 102.3

Proponent: Bob Eugene, Underwriters Laboratories Inc.

Revise as follows:

IPMC 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Residential Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

Reason: The *International Property Maintenance Code* covers installations also addressed by the *International Residential Code* and the *International Plumbing Code*.

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

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

ICCFILENAME: EUGENE-ADM1-102.3 Complete

ADM23–09/10

IBC 110.3.6; IEBC 109.3.6 (New)

Proponent: Tony Crimi, AC Consulting Solutions Inc., representing International Firestop Council

THIS IS A 2 PART CODE CHANGE. BOTH PARTS WILL BE HEARD BY THE IBC FIRE SAFETY COMMITTEE AS 2 SEPARATE CODE CHANGES. SEE THE TENTATIVE HEARING ORDER FOR THE IBC FIRE SAFETY COMMITTEE.

PART I – IBC FIRE SAFETY

Revise as follows:

110.3.6 Fire-resistant penetrations. Protection of ~~joints and~~ penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. Where inspection of penetrations of the types specified in 713.3.1.2 and 713.4.1.2 are conducted by an approved inspection agency, they shall be conducted in accordance with ASTM E2174 or to adopt other policies and procedures in compliance with the intent and purpose of this code.

PART II – IEBC

1. Add new text as follows:

109.3.6 Fire-resistive joints. Protection of joints in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. Where inspection of joints of the types specified in 714.3 and 714.4 are conducted by an approved inspection agency, they shall be conducted in accordance with ASTM E2393 or to adopt other policies and procedures in compliance with the intent and purpose of this code.

2. Add new standards to Chapter 35 as follows:

ASTM

E2174-04 Standard Practice for On-site Inspection of Installed Fire Stops

E2393-04 Standard practice for On-Site Inspection of Installed Fire Resistive Joint Systems and Perimeter Fire Barriers

Reason: The Code already mandates proper installation of penetration and joint firestops to maintain the integrity of vertical and horizontal fire or smoke separations, and requires that the penetrations and joints not be concealed prior to inspection and approval. This two referenced Standards identify effective techniques for the field inspection of these systems for situations where the inspections are conducted by 3-rd party inspectors instead of the AHJ, and provide consistent procedures needed to conduct and report the on-site assessment of the installations, as well as providing conflict-of-interest guidelines to ensure that the inspections are fully independent.

The purpose of the change is to add a reference to two Consensus Standards developed at ASTM for inspection of installed penetration firestop systems, fire-resistive joints, and perimeter fire barriers.

Firestop and joint system designs and materials are increasing in number and variety. The current code relies heavily on Installers, Designers, and Code Officials to verify proper system selection and installation. In response to this reality, a standard practice was developed within the ASTM process to allow inspections of through-penetration firestops, joints, and perimeter fire barrier systems to be conducted in a thorough and consistent manner, with standardized report formats, regardless of the Trade or individual conducting the inspection. Part of the impetus for the development of that standard was the recognition that jurisdictions sometimes do not have sufficient resources themselves to ensure that all penetrations and joints are firestopped properly. In any project, the number of joints and penetrations can range from hundreds to a few thousand in a single building. The addition of these new Standards to the Code would provide and identify a means for authorities having jurisdiction to have effective tools to mandate standardized inspection thoroughness and quality when third party inspection agencies are used for verification of these important systems. The inclusion of consensus standards would ensure that required inspections are conducted consistently, fairly, and adequately, while also standardizing inspection reports, so that they will be of a uniform high quality.

The proposed code change would provide the code official the option of having a third party (e.g. approved inspection agency) to conduct the inspection of joints and penetrations in conformance with these Standards, while preserving the option to utilize other policies and procedures consistent with the intent of the Code.

The current editions of **ASTM E2174 and ASTM E2393** are dated 2004.

Referenced Standards:

ASTM E2174-04 Standard Practice for On-site Inspection of Installed Fire Stops

ASTM E2393-04, Standard practice for On-Site Inspection of Installed Fire Resistive Joint Systems and Perimeter Fire Barriers

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

Analysis: A review of the standard(s) proposed for inclusion in the code, ASTM E2174-04 and ASTM E2393-04, for compliance with ICC criteria for referenced standards given in Section 3.6 of Council Policy #CP 28 will be posted on the ICC website on or before September 24, 2009.

PART I – IBC FIRE SAFETY

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

PART II – IEBC

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

FILENAME: CRIMI-G1-110.3.6 COMPLETE

ADM24–09/10

IECC 101.3

Proponent: Bill Prindle, ICF International, representing the Energy Efficient Codes Coalition; Jeff Harris, Alliance to Save Energy; Harry Misuriello, American Council for an Energy-Efficient Economy (ACEEE); Garrett Stone, Brickfield, Burchette, Ritts & Stone; Steve Rosenstock, Edison Electric Institute; Brian Dean, ICF International

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 101.3 Intent. This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. ~~the effective use of energy~~. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

Reason: The purpose of this proposal is to clarify the intent of the code. As the *International Energy Conservation Code*, while we agree that the “effective use of energy” is important and should be included, we believe that “conservation” of energy is paramount and should also be spelled out as a primary objective of the code. We also believe that the intent of the code is to promote effective use and conservation of energy not just in the first year of operation, but over the life of the building. The added language clarifies this intent.

It should be noted that the IRC section R101.3 already includes Energy Conservation as part of the intent of the IRC.

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

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

ICCFILENAME: PRINDLE-EC-1-101.3 COMPLETE.DOC

ADM25–09/10

IECC 101.4.6

Proponent: Joseph Hill, RA, New York State Department of State

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 101.4.6 Mixed occupancy. Where a building includes both *residential* and *commercial* occupancies, each occupancy shall be separately considered and meet the applicable provisions of Chapter 4 for *residential* and Chapter 5 for *commercial*. Mixed occupancy is applicable to buildings of three stories or less only. For building construction of four stories and greater, all building occupancies are considered as commercial occupancies for the purposes of the IECC.

Reason: For clarification. This section as written indicates that residential and commercial occupancies are treated as separate occupancies, regardless of number of building stories. Chapter 2- Definitions define Residential buildings of three stories or less in height for applicability of the Energy Code. The IECC is based on code provisions of ASHRAE 90.1. In accordance with reference standard ASHRAE 90.1 building of four stories and greater are considered to be **commercial occupancies**. This is further supported by the IECC Code and Commentary, which states that “a four story building containing one or more retail establishment on the First floor, andthe remaining stories of this four story building consist entirely of dwelling units and are classified as residential. For our current example, the definition of Residential makes it clear that the entire building would be considered Commercial and be subject to the requirements of Chapter 5.

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

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

ICCFILENAME: HILL-EC5-101.4.6

ADM26–09/10 IECC 101.5.2

Proponent: Michael P. Burnetter, PE, New York State Department of State, representing Division of Code Enforcement and Administration

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 101.5.2 Low energy buildings. The following buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with this code shall be exempt from the *building thermal envelope* provisions of this code:

1. Those with a peak design rate of energy usage less than 3.4 Btu/h-ft² (10.7 W/m²) or 1.0 watt/ft² (10.7 W/m²) of floor area for space conditioning purposes utilizing fossil fuel or electric power.
2. Those that do not contain *conditioned space*.

Reason: The section seems intended to regulate only particular fuel types (non-renewable) since it's impossible to heat (or cool) a majority of all buildings at the typical temperature extremes that all designs are required to be based (per IECC chapter 3) if insulated to code required levels using the 3.4 Btu/h-ft sq of fossil or electric heating sources. Therefore, by specifying the low limit exemption for fossil and electric fuel only, the code will encourage making up any difference by using renewable power sources. A good example of this would be a passive solar design which would allow an affordable balance point with the only constraint being the 3.4 Btu/h-ft sq figure as opposed to all the other code limits. Then the home owner example case would not specifically need to meet code, hence encouraging renewable energy, which was likely the intent of the section as any occupied space would never comply at the 3.4 Btu/h-ft sq figure and freeze if not super insulated. This proposal will actually encourage the use of renewable fuels as it takes them out of the category of the regulated fuel type under the 3.4 Btu/h-ft sq limit which then gives an exemption where it may benefit some building owners who are mainly using renewable fuel types like a passive solar design but have a very small back-up heater for say, days when the sun doesn't shine.

The *International Energy Conservation Code*®, in this 2009 edition specifies the model code regulations that will result in the optimal utilization of fossil fuel. Therefore, for consistency, there are similar exemptions found in the other sections of the code (such as IECC Section 503.2.8) where the code intent is specified to control fossil or electric fuel use only.

Please consider this change for consistency of intent and clarity.

Cost Impact: The potential exists here to lower the cost of construction (as a building would be exempt from the code under the limit specified), the cost of operation of a building (since this will encourage the use of renewable fuels which can provide free heat like passive solar) and design (as the exemption is more clear and able to be calculated without confusion).

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

ICCFILENAME: BURNETTER-EC-1-101.5.2.DOC

ADM27–09/10 IECC 101.4.4

Proponent: Michael P. Burnetter, PE, New York State Department of State, representing Division of Code Enforcement and Administration

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 101.4.4 Change in occupancy ~~Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code.~~ Where the use in a space changes from one use in Table 505.5.2 to another use in Table 505.5.2, and the space is undergoing a lighting fixture alteration, the installed lighting wattage shall comply with Section 505.5.

Reason: This extremely broad code section is not workable in the real world as this may cause substantial economic penalties in pre-existing non-conforming buildings. Especially illuminated during a recession, is the fact that when a new tenant or owner moves into a building which may have no construction taking place but, in this example, would simply employ more people, the section may fully apply. This could trigger a full blown code event since the air conditioner load may increase measurably by virtue of added staffing (a good thing in this economy) and yet this code section as written would require a full scale "gut-rehab to replace many energy systems" of a building if read as it is written and actually enforced. This example would appear to the owner as a stealth tax applied to a new business trying to employ more people into the workforce.

In this very typical example, there was no conscious construction project decided upon except for the fact that the code section would very likely "require" a full scale rebuilding of an existing building which has no construction being proposed. In fact there would be no construction permit required were it not for the fact that this code section as it stands requires a massive overhaul of the building if ever enforced.

The remaining portion of the code section is workable but may contain some of the same surprises if the owner did not decide to reconfigure the space but simply would be considered a new use. Therefore the added language involving an alteration decision (that would require a permit – by definition, of Alteration) was added.

Cost Impact: A drastic reduction in cost may take place depending on the building size, age, and enforcement on this major code section change.

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

ICCFILENAME: BURNETTER-EC-3-101.4.5.DOC

ADM28–09/10

IECC 102.1.1

Proponent: Ronald Majette, representing US Department of Energy

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 102.1.1 Above code programs. The *code official* or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program ~~to exceed as meeting the energy efficiency required by requirements of this code.~~ Buildings ~~approved in writing by such an as meeting such an~~ energy efficiency program shall be considered in compliance with this code. ~~The requirements identified as "mandatory" in Chapters 4 and 5 of this code, as applicable, shall be met.~~

Reason: Clarification. The intent in the first sentence is that the program when satisfied meets the requirements of the code. Certainly it can exceed the requirements but for the purposes of code compliance the only consideration would be if the building as designed, constructed and commissioned under such a program was no less energy efficient than if it just satisfied the minimum requirements in the code. The second sentence is in error as a "program" cannot approve a building. The intent is that the code official or other authoritative agency as approved by the code official would have to approve any building in writing. The last sentence is not needed as the intent of the provision is that such programs in their entirety be evaluated against the code and if they are found acceptable then there should be no need to refer back to the code for any reason.

Cost Impact: The code change proposal will decrease the cost of construction to the degree that the acceptance of alternative programs as meeting or exceeding the code helps streamline the plan review and permitting process.

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

ICCFILENAME: MAJETTE-EC-39-102.1.1-REDONE

ADM29–09/10

IECC 102.1.2 (New), Chapter 6

Proponent: Rob Pickett, Log Homes Council of the Building Systems Councils of the National Association of Home Builders

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

1. IECC Add new text as follows:

SECTION 102

ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

102.1 General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the code official as meeting the intent of this code.

102.1.1 Above code programs. The code official or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Buildings approved in writing by such an energy efficiency program shall be considered in compliance with this code. The requirements identified as "mandatory" in Chapters 4 and 5 of this code, as applicable, shall be met.

102.1.2 Log structures. The design and construction of log structures shall be in accordance with the provisions of ICC400.

2. Add new standard to Chapter 6 as follows:

ICC
400-2007 Standard on Design and Construction of Log Structures

Reason: The purpose of this change is to direct users of the code who are evaluating log structures to the ICC consensus standard pertaining to this unique and traditional construction method.

Log structures employ alternative methods of construction that are fully covered by ICC400 *Standard for the Design and Construction of Log Structures*. ICC400-2007 is an ANSI-approved document that represents industry standards and guidelines for this form of construction. It gives the code official an important tool for inspection and understanding log construction, including thermal performance. Carefully written to cover all forms of log construction, the standard explains how to respond to design conditions, but it does not establish those conditions. A major reason for this change is that field interpretations of the IECC requirements for log wall performance are often incorrect. Frequently enough, the interpretation is that a log wall must meet the rated insulation R-values provided in Table 402.1.1. This is neither accurate nor intended by the code, but the industry is put in a position of debating the issue that the frame wall requirements represent the rated insulation R-value rather than the effective overall value that accounts for the lower R-value of framing members. Wall assemblies constructed of solid material (e.g., log, brick, masonry/concrete, or straw bale) do not conceal a cavity, perform altogether differently, and can only be compared on the basis of the overall U-Factor as provided in IECC Table 402.1.3, where the framing factor for frame walls is applied.

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

Analysis: The standard is currently referenced in the IBC.

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

FILENAME: PICKETT-ADM1-102.1.2 NEW

ADM30–09/10
IECC 101.5.2

Proponent: Bill Prindle, ICF International, representing the Energy Efficient Codes Coalition; Jeff Harris, Alliance to Save Energy; Harry Misuriello, American Council for an Energy-Efficient Economy (ACEEE); Garrett Stone, Brickfield, Burchette, Ritts & Stone; Steve Rosenstock, Edison Electric Institute; Brian Dean, ICF International

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 101.5.2 Low energy buildings. The following buildings or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with this code shall be exempt from the *building thermal envelope* provisions of this code:

1. Those with a peak design rate of energy usage less than 3.4 2.4 Btu/h.ft² (10.7 7.5 W/m²) or 1.0 0.7 watt/ft² (10.7 7.5 W/m²) of floor area for space conditioning purposes.
2. Those that do not contain *conditioned space*.

Reason: The purpose of this proposal is to update the exemption for low-energy buildings in the code to reflect the goal of reducing energy use in all buildings by 30% under the code. Like buildings subject to the code, low-energy buildings exempt from the code should share in the burden to conserve energy. The current definition of a low-energy building has been the *IECC* since its inception in 1998. It is reasonable to update this requirement now. This proposal reduces the peak design rate of energy usage for these buildings by 30% and is a reasonable change.

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

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

ICCFILENAME: PRINDLE-EC-2-101.5.2.DOC

ADM31–09/10 IECC 102.1.1

Proponent: Ken Sagan, representing National Association of Home Builders (NAHB)

THIS PROPOSAL IS ON THE AGENDA OF THE IECC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IECC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IECC 102.1.1 Above code programs. The code official or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Buildings approved in writing by such an energy efficiency program shall be considered in compliance with this code. ~~The requirements identified as “mandatory” in Chapters 4 and 5 of this code, as applicable, shall be met.~~

Reason: Above Code Programs are available for adoption by local jurisdictions at their discretion and are by definition “Above Code”. In making certain sections of Chapter 4 and 5 “mandatory”, this limits energy neutral tradeoffs (e.g. R-6 ducts) or energy saving designs (e.g. passive solar using high solar heat gain windows on southern exposures) that can improve energy performance of a building when properly designed. Buildings should be allowed to exceed the requirements of this code, based on overall home performance. The addition of this proposal will bring consistency between the IRC and IECC, eliminating the confusion between the 2 codes.

EPA’s Energy Star and the ICC-700 National Green Building Standard are both considered “above code” programs and they exceed the minimum requirements of the IECC by 15%. Both programs follow closely the requirements of the IECC, but allow trade-offs to achieve increased energy savings

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

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

ICCFILENAME: SAGAN-EC-05-102.1.1

ADM32–09/10 IEBC 101.5.4.2

Proponent: David Bonowitz, SE, National Council of Structural Engineers Associations, Code Advisory Committee, Existing Buildings Subcommittee (NCSEA EBS)

THIS PROPOSAL IS ON THE AGENDA OF THE IBC STRUCTURAL CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IBC STRUCTURAL CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IEBC 101.5.4.2 Compliance with reduced IBC level seismic forces. Where seismic evaluation and design is permitted to meet reduced *International Building Code* seismic force levels, the procedures used shall be in accordance with one of the following:

1. The *International Building Code* using 75 percent of the prescribed forces. Values of R , Ω_0 and C_d used for analysis shall be as specified in Section 101.5.4.1 of this code.
2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A as specified in Items 2.1 through 2.5 and subject to the limitations of the respective Appendix A chapters shall be deemed to comply with this section.
 - 2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.
 - 2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.
 - 2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Chapter A3.
 - 2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Chapter A4.
 - 2.5. Seismic evaluation and design of concrete buildings in all occupancy categories are permitted to be based on the procedures specified in Chapter A5.

Reason: The proposed additional text in item 2 clarifies that the Appendix A chapters are acceptable options only when the building in question is explicitly within the scope of the relevant appendix chapter. The proposed revisions to Items 2.3 and 2.4 are editorial. Residential buildings, by definition, will not be in Occupancy Category I.

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

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

ICCFILENAME: BONOWITZ-EB33-101.5.4.2.DOC

ADM33–09/10

IEBC 101.5.4.2, Chapter A5

Proponent: Peter Somers, Magnusson Klemencic Associates, representing Structural Engineers Association of Washington, Existing Buildings Committee

THIS PROPOSAL IS ON THE AGENDA OF THE IBC STRUCTURAL CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IBC STRUCTURAL CODE DEVELOPMENT COMMITTEE.

1. Revise as follows:

IEBC 101.5.4.2 Compliance with reduced IBC level seismic forces. Where seismic evaluation and design is permitted to meet reduced *International Building Code* seismic force levels, the procedures used shall be in accordance with one of the following:

1. The *International Building Code* using 75 percent of the prescribed forces. Values of R , Ω_0 and C_d used for analysis shall be as specified in Section 101.5.4.1 of this code.
2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A as specified in Items 2.1 through ~~2.5~~ 2.4 shall be deemed to comply with this section.
 - 2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.
 - 2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.
 - 2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Chapter A3.
 - 2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Chapter A4.
 - 2.5. ~~Seismic evaluation and design of concrete buildings in all occupancy categories are permitted to be based on the procedures specified in Chapter A5.~~

2. Delete entire chapter without substitution:

IEBC CHAPTER A5 EARTHQUAKE HAZARD REDUCTION IN EXISTING CONCRETE BUILDINGS

Reason: The current version of this chapter in the 2009 IEBC is in most cases nothing more than a reference to the evaluation and retrofit procedures that are referenced in Section 101.5.4.2. Therefore, it represents unnecessary redundancy and duplication.

Appendix Chapter A5 specifies a three-tiered approach for concrete buildings.

- Tier 1 (Section A505) is a reference to ASCE 31.
- Tier 2 (Section A506) is a reference to 75percent of IBC (force levels based on Section A504.2) with additional modifications as discussed below.
- Tier 3 (Section A507) is a reference to ASCE 41.

Therefore, Chapter A5, which is referenced from Section 101.5.4.2 is nothing more than a reference back to the other provisions referenced in Section 101.5.4.2.

The Tier 2 procedure in Section A506 does contain additional provisions, but these provisions are either duplications of provisions in the IBC (and its reference standards) or are conflicts between A5 and the IBC. In either case, these are unnecessary or potentially confusing since the IBC without such modifications is also referenced in Section 101.5.4.2. These are discussed as follows:

Section A506.2 contains limitations on the use of the Tier 2 procedure (75% of IBC). These limitations are generally related to building configuration, and are adequately addressed in the IBC and its reference standards. A building, even with the irregularities contained in this section, but still satisfying the provisions of the IBC as referenced in Section 101.5.4.2, Item 1 should provide adequate seismic performance.

Section A506.3 covers the analysis procedure and modeling, all of which is addressed in the IBC and its reference standards.

Section A506.4 is simply a reference to the IBC.

Section A506.5 contains references to the IBC and a provision for determining shear in concrete beams and columns that is the same as what is required by ACI 318 as referenced by the IBC.

Chapter A5 may be a valuable procedure for reducing earthquake hazards in existing concrete buildings, but it does not provide any references or provisions that are not otherwise included in the IEBC (based on Section 101.5.4.2) and any differences between A5 and the other procedures referenced in Section 101.5.4.2 are either insignificant or can be circumvented by using the unmodified IBC referenced directly from Section 101.5.4.2.

Section A503.1 permits design professionals to utilize alternate methods for evaluating existing concrete buildings where approved by the code official. While this is reasonable and appropriate for these types of buildings, the use of alternate methods is already contained in IEBC Section 104.11, so again, this portion of A5 is simply unnecessary duplication.

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

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

ICCFILENAME: SOMERS-EB4-101.5.4.2.DOC

ADM34-09/10

IFC 105.6.27

Proponent: Lynne M. Kilpatrick, Seattle Fire Department, representing Washington State Association of Fire Marshals

THIS PROPOSAL IS ON THE AGENDA OF THE IFC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IFC CODE DEVELOPMENT COMMITTEE.

IFC Revise as follows:

105.6.27 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exceptions:

1. A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893) L, serving occupancies in Group R-3.
2. A permit is not required for LP-gas containers having a water capacity not exceeding 48 pounds [nominal 20 pounds (9 kg) LP-gas] connected to a LP-gas grill unless at a public assembly or on or serving a public way.

2. Operation of cargo tankers that transport LP-gas.

Reason: This code change modifies the existing exception to require a permit at Group R-3 occupancies where the aggregate quantity of LP-gas containers exceeds 500 gallons. It has become commonplace for LP-gas distributors to install LP-gas systems exceeding 500 gallons that consist of multiple containers in series with individual containers that do not exceed 500 gallons thereby avoiding the permit requirement. It is appropriate to require a permit at these locations given the significant hazard associated with these quantities.

This code change also adds a second exception that eliminates the need for a permit for standard consumer LP-gas barbeque containers connected for use on a grill unless the container/grill is at a public assembly or on a public way.

Cost Impact: Exception 1 may increase cost where permit fees are required. Exception 2 may decrease cost where permit fees are required.

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

ICCFILENAME:KILPATRICK-ADM2-105.6.27

ADM35–09/10 IFC 107.2.1 (New)

Proponent: William Winslow, CIH, CFI, CMI, Winslow Partnership, representing self

THIS PROPOSAL IS ON THE AGENDA OF THE IFC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IFC CODE DEVELOPMENT COMMITTEE.

Add new text as follows:

IFC 107.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

IFC 107.2.1 Safety devices and systems. Safety interlocks, automatic emergency shutoff valves, and emergency shutoff switches shall be tested as specified in this code or as required by the fire code official, where testing requirements are not specified by this code.

Reason: Many chapters in the IFC require safety devices for equipment. A quick scan of the code revealed approximately 15 interlocks and a similar number of automatic emergency shutoff valves and switches, all of which are safety devices. Some of these devices have testing requirements but many don't. For example, Chapter 21 requires an interlock for a Class A furnace, so that conveyors of flammable materials shut down if the exhaust system stops. However, there is no testing requirement specified in Chapter 21 for this safety interlock. So, based on 107.2, it appears testing of the interlock would not be required, because it is not specified. This modification of Section 107.2 gives the FCO the authority to establish a testing requirement where such a requirement is not currently specified in the IFC. The section is limited to interlocks, automatic emergency shutoff valves and emergency shutoff switches.

Cost Impact: The code change should not increase cost of construction because testing of safety devices is already required or inferred by the code

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

ICCFILENAME: WINSLOW-ADM1-107.2.1 (NEW)-REVISED.DOC

ADM36–09/10 IMC 102.3, IMC Chapter 15

Proponent: Steve Ferguson, American Society of Heating, Refrigerating, and Air-Conditioning Engineers

THIS PROPOSAL IS ON THE AGENDA OF THE IMC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IMC CODE DEVELOPMENT COMMITTEE.

1. Revise as follows:

IMC 102.3 Maintenance. Mechanical systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. The inspection for maintenance of HVAC systems shall be done in accordance with ASHRAE/ACCA/ANSI Standard 180. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the code official shall have the authority to require a mechanical system to be reinspected.

2. Add new standard to Chapter 15 as follows:

ASHRAE
180—2008 Standard Practice for Inspection and Maintenance of Commercial Building HVAC Systems

Reason: Standard 180 was created in a collaborative effort between ASHRAE and ACCA, the Air Conditioning Contractors of America. Its intent is to address the often inconsistent practices for inspecting and maintaining HVAC systems in commercial, institutional and other buildings where the public may be exposed to the indoor environment. Current practices in such buildings vary widely today. Many facilities choose to follow rigorous policies that maintain the system in new or nearly new condition. Others either lack policy in this area or have adopted a run-to-failure approach where the system or components of the system are attended to only when there is a failure.

To provide consistency and improve energy efficiency, thermal comfort and indoor air quality provided by HVAC systems, a standard practice for the inspection and maintenance of commercial HVAC systems is needed. When there is no routine inspection and subsequent adjustment or maintenance of system components, the system is typically found operating outside its optimum performance parameters. When systems are not maintained, they do not continue to provide the level of work they were designed for.

A standard practice is also needed to guide maintenance of HVAC systems because the maintenance information often provided by manufacturers applies only to the discrete components that they provide rather than to the entire system. This document considers the integration of those components and the way they interact as well as each component separately.

For the public good, it is essential that the HVAC systems in all buildings where persons work, visit or reside support a high quality indoor environment. In addition, sustainability mandates that those conditions be maintained in as energy efficient a manner as possible.

This document describes the minimum acceptable level of maintenance for commercial building HVAC systems. Other standards or guidance documents may establish more specific or rigorous requirements that apply to certain buildings. Where applicable, those requirements should be followed or considered (if guidelines).

Much of the information that will be required to prepare the maintenance program that is mandated by this standard can most conveniently be obtained from the building commissioning (re-commissioning or retro-commissioning) documents. Although re-commissioning is not a requirement of this standard, it should be considered where the commissioning data is either unavailable or outdated.

Cost Impact: The code change proposal will not increase the cost of construction. There will be an increased cost to enforce this post-occupancy requirement similar to inspection of elevators or fire safety systems.

Analysis: A review of the standard(s) proposed for inclusion in the code, ASHRAE 180-2008, for compliance with ICC criteria for referenced standards given in Section 3.6 of Council Policy #CP 28 will be posted on the ICC website on or before September 24, 2009.

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

ICCFILENAME: FERGUSON-M1-102.3.DOC

ADM37–09/10

IMC 102.4 (New), Chapter 15

Proponent: Steve Ferguson, American Society of Heating, Refrigerating, and Air-Conditioning Engineers

THIS PROPOSAL IS ON THE AGENDA OF THE IMC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IMC CODE DEVELOPMENT COMMITTEE.

1. Add new text as follows:

IMC 102.4 Operational permits for mechanical systems. Where deemed necessary by the code official, an operation permit shall be required to facilitate verification that the inspection of maintenance of HVAC systems in new and existing buildings is performed in accordance with ASHRAE/ACCA/ANSI Standard 180.

(Renumber subsequent sections)

2. Add new standard to Chapter 15 as follows:

ASHRAE
180—2008 **Standard Practice for Inspection and Maintenance of Commercial Building HVAC Systems**

Reason: Standard 180 was created in a collaborative effort between ASHRAE and ACCA, the Air Conditioning Contractors of America. Its intent is to address the often inconsistent practices for inspecting and maintaining HVAC systems in commercial, institutional and other buildings where the public may be exposed to the indoor environment. Current practices in such buildings vary widely today. Many facilities choose to follow rigorous policies that maintain the system in new or nearly new condition. Others either lack policy in this area or have adopted a run-to-failure approach where the system or components of the system are attended to only when there is a failure.

To provide consistency and improve energy efficiency, thermal comfort and indoor air quality provided by HVAC systems, a standard practice for the inspection and maintenance of commercial HVAC systems is needed. When there is no routine inspection and subsequent adjustment or maintenance of system components, the system is typically found operating outside its optimum performance parameters. When systems are not maintained, they do not continue to provide the level of work they were designed for.

A standard practice is also needed to guide maintenance of HVAC systems because the maintenance information often provided by manufacturers applies only to the discrete components that they provide rather than to the entire system. This document considers the integration of those components and the way they interact as well as each component separately.

For the public good, it is essential that the HVAC systems in all buildings where persons work, visit or reside support a high quality indoor environment. In addition, sustainability mandates that those conditions be maintained in as energy efficient a manner as possible.

This document describes the minimum acceptable level of maintenance for commercial building HVAC systems. Other standards or guidance documents may establish more specific or rigorous requirements that apply to certain buildings. Where applicable, those requirements should be followed or considered (if guidelines).

Much of the information that will be required to prepare the maintenance program that is mandated by this standard can most conveniently be obtained from the building commissioning (re-commissioning or retro-commissioning) documents. Although re-commissioning is not a requirement of this standard, it should be considered where the commissioning data is either unavailable or outdated.

Cost Impact: The code change proposal will not increase the cost of construction. There will be an increased cost to enforce this post-occupancy requirement similar to inspection of elevators or fire safety systems.

Analysis: A review of the standard(s) proposed for inclusion in the code, ASHRAE 180-2008, for compliance with ICC criteria for referenced standards given in Section 3.6 of Council Policy #CP 28 will be posted on the ICC website on or before September 24, 2009.

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

ICCFILENAME: FERGUSON-M3-102.4.DOC

ADM38–09/10

IPMC 108.1.3, 110.1, 202

Proponent: Tom Neltner / National Center for Healthy Housing / Representing the National Center for Healthy Housing and the Alliance for Healthy Homes

THIS PROPOSAL IS ON THE AGENDA OF THE IPMC CODE DEVELOPMENT COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THE IPMC CODE DEVELOPMENT COMMITTEE.

Revise as follows:

IPMC 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is not ~~insanitary~~, vermin or ~~rat~~ rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

IPMC 110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, not ~~insanitary~~ or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

SECTION 202 GENERAL DEFINITIONS

1. IPMC Add new definition as follows:

SANITARY. A condition that is clean and free of: infestation of rodents or insects, rodent residues such as urine, droppings, gnaw marks, grease marks, or nest debris; insect residues such as droppings, debris, or body parts; human and animal waste; mold; wastewater; sewage; and rotting material; and accumulation of rubbish or garbage. Swimming pools or food preparation areas shall meet the sanitary requirements as prescribed by local or state authorities having jurisdiction.

Exception: It does not include systems designed and properly managed to handle contained rubbish, garbage, sewage or wastewater.

2. IPMC Revise as follows:

INFESTATION. The presence, within or contiguous to, a structure or premises of insects including: cockroaches, fleas, and bedbugs; spiders; pest rodents rats; vermin; or other pests. Visible pest residues or debris constitutes an infestation unless there is clear evidence that the pest has been eliminated. The term does not include pets kept in a cage or other container.

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 while creating an exception for rodents kept as pets in a cage or other container.

The proposal also would make it clear 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.

The term "sanitary" is used in 24 times in 16 sections of the code: 108.1.3, 110.1, 301.2, 301.3, 302.1, 303.1, 304.1, 305.1, 305.3, 307.2, 307.3, 402.3, 404.7, 502.1, 503.4, and 504.1 as well as the title of Section 506. The sections are repeated below for convenience.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is not ~~insanitary~~, vermin or ~~rat~~ rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, not ~~insanitary~~ or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

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

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and **sanitary** condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and **sanitary** condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and **sanitary** condition.

303.1 Swimming pools. Swimming pools shall be maintained in a clean and **sanitary** condition, and in good repair.

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and **sanitary** so as not to pose a threat to the public health, safety or welfare.

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a **sanitary** condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and **sanitary** condition, the shared or public areas of the structure and exterior property.

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.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and **sanitary** manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of **sanitary** conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a **sanitary** manner. There shall be adequate facilities and services for the **sanitary** disposal of food wastes and refuse, including facilities for temporary storage.

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a **sanitary**, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and **sanitary** condition.

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, **sanitary** and functional condition.

Although used extensively in the code, because "sanitary" currently lacks a definition, 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 are often reluctant to cite for unsanitary conditions absent other violations such as active infestation.

In addition, control of an infestation does not require the removal of the residues of the infestation. These residues 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 sanitation addresses those situations commonly understood to spread or support disease. In addition, it includes the term infestation is included in the definition of sanitary to make clear that an infestation is never sanitary. The definition accommodates situations where a state or local health department provides set more stringent standards for food preparation areas and swimming pools.

Finally, the definition makes it clear that systems designed and manage wastes are inherently not sanitary by design. These include sanitary sewage disposal systems and trash handling systems. Therefore, they are excluded from the definition.

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

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

ICCFILENAME: NELTNER-ADM1-108.1.3 PM.DOC

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IBC-Chapter 35, IECC-Chapter 6, IEBC-Chapter 15, IFC-Chapter 47, IFGC-Chapter 8, IMC-Chapter 15, IPC-Chapter 13, IPMC-Chapter 8, IRC-Chapter 44

The following table provides a comprehensive list of all standards that the respective standards promulgators have indicated have been, or will be, updated from the listing in the 2009 Editions of the International Codes. According to Section 4.5 of ICC Council Policy #CP 28, Code Development Policy, the updating of standards referenced by the Codes shall be accomplished administratively by the Administrative code development committee. Therefore, referenced standards that are to be updated for the 2012 edition of any of the I-Codes are listed in this single code change proposal. This is unlike the way these standards were updated in the past code change cycles, where updates for standards were dealt with by each committee for their respective codes. Note that the table below indicates the change to the standard, and the code or codes in which each standard appears. The list includes standards that the promulgators have already updated or will have updated by December 1, 2011.

4.5 Updating Standards: The updating of standards referenced by the Codes shall be accomplished administratively by the Administrative code development committee in accordance with these full procedures except that the deadline for availability of the updated standard and receipt by the Secretariat shall be December 1, 2011. The published version of the 2012 Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the deadline, the edition of the standard as referenced by the newly published Code shall revert back to the reference contained in the previous edition and an errata to the Code issued. Multiple standards to be updated may be included in a single proposal.

AA		Aluminum Association							
Standard Reference Number	Title	Referenced in Code(s):							
ADM 1-2005 2010	Aluminum Design Manual: Part I-A-Specification for Aluminum Structures – Allowable Stress Design; and Part I-B-Specification for Aluminum Structures – Load and Resistance Factor Design	IBC							
AAMA		American Architectural Manufacturers Association							
Standard Reference Number	Title	Referenced in Code(s):							
AAMA/WDMA/CSA 101/I.S.2/A440-08 11	North American Fenestration Standard/Specification for Windows, Doors, and Skylights	IBC	IRC	IECC					
450-06 09	Voluntary Performance Rating Method for Mullled Fenestration Assemblies	IRC							
506-06 08	Voluntary Specifications for Hurricane Impact and Cycle Testing of Fenestration Products	IRC							
ACCA		Air Conditioning Contractors of America							
Standard Reference Number	Title	Referenced in Code(s):							
Manual D-95 09	Residential Duct Systems	IMC	IRC						
Manual J-02 11	Residential Load Calculation - Eighth Edition	IRC							
Manual S-04 10	Residential Equipment Selection	IRC							

ACI		American Concrete Institute							
Standard Reference Number	Title	Referenced in Code(s):							
318- 08 11	Building Code Requirements for Structural Concrete (<u>Revised 2011</u>)	IBC	IRC						
332- 08 10	Code Requirements for Residential Concrete Construction	IRC							
530- 08 11	Building Code Requirements for Masonry Structures	IBC	IRC						
530.1- 08 11	Specifications for Masonry Structures	IBC	IRC						
AF&PA		American Forest & Paper Association							
Standard Reference Number	Title	Referenced in Code(s):							
AF&PA- 93 2012	Span Tables for Joists and Rafters	IBC	IRC						
ANSI/AF&PA PWF-2007	Permanent Wood Foundation Design Specification	IBC	IRC						
ANSI/AF&PA SDPWS-2008	Special Design Provisions for Wind and Seismic	IBC							
NDS- 05 2012	National Design Specification (NDS) for Wood Construction - with 2005 12 Supplement	IBC	IRC						
AF&PA WCD No. 4- 89 2003	Wood Construction Data-Plank and Beam Framing for Residential Buildings	IBC							
ANSI/AF&PA WFCM-04 2012	Wood Frame Construction Manual for One- and Two-Family Dwellings	IBC	IRC						
AHRI		Air Conditioning, Heating and Refrigeration Institute							
Standard Reference Number	Title	Referenced in Code(s):							
210/240- 03 08	Unitary Air-Conditioning and Air-Source Heat Pump Equipment	IECC							
310/380- 93 04	Standard for Packaged Terminal Air-Conditioners and Heat Pumps	IECC							
340/360-2000 07	Commercial and Industrial Unitary Air-Conditioning and Heat Pump Equipment	IECC							
365- 02 09	Commercial and Industrial Unitary Air-Conditioning Condensing Units	IECC							
440- 06 08	Room Fan-Coil	IECC							
550/590- 98 03	Water-Chilling Packages Using the Vapor Compression Cycle with Addenda	IECC							
700- 99 2006	Purity Specifications for Fluorocarbon and Other Refrigerants	IMC							
1160-04 08	Performance Rating of Heat Pump Pool Heaters	IECC							

AISC		American Institute of Steel Construction							
Standard Reference Number	Title	Referenced in Code(s):							
341-05 10	Seismic Provisions for Structural Steel Buildings, including Supplement No. 1 dated 2005	IBC							
360-05 10	Specification for Structural Steel Buildings	IBC							
AISI		American Iron and Steel Institute							
Standard Reference Number	Title	Referenced in Code(s):							
AISI S100-07/S1-10	North American Specification for the Design of Cold Formed Steel Structural Members, with Supplement 1, dated 2010	IBC	IRC						
AISI S213-07/S1-10	North American Standard for Cold-Formed Steel Framing-Lateral Design, with Supplement 1, dated 2010	IBC							
AITC		American Institute of Timber Construction							
Standard Reference Number	Title	Referenced in Code(s):							
113-04 10	Standard for Dimensions of Structural Glued Laminated Timber	IBC							
117-04 10	Standard Specifications for Structural Glued Laminated Timber of Softwood Species	IBC							
200-04 09	Manufacturing Quality Control System Manual for Structural Glued Laminated Timber	IBC							
ALI		Automotive Lift Institute							
Standard Reference Number	Title	Referenced in Code(s):							
ALI ALCTV- 2011	Standard for Automobile Lifts - Safety Requirements for Construction, Testing, and Validation (ANSI)	IBC							
AMCA		Air Movement and Control Association International							
Standard Reference Number	Title	Referenced in Code(s):							
500D-07 10	Laboratory Methods for Testing Dampers for Rating	IECC							
511-99 (Reaffirmed 2002) 09	Certified Ratings Program for Air Control Devices	IBC							

ANSI		American National Standards Institute							
Standard Reference Number	Title	Referenced in Code(s):							
Z 97.1—04 09	Safety Glazing Materials Used in Buildings—Safety Performance Specifications and Methods of Test	IBC	IRC						
A208.1- 99 2009	Particleboard	IRC	IBC						
APA		APA -The Engineered Wood Association							
Standard Reference Number	Title	Referenced in Code(s):							
APA PDS Supplement 5-95 08	Design and Fabrication of All-plywood Beams (revised 1995) 08	IBC							
APSP		The Association of Pool & Spa Professionals							
Standard Reference Number	Title	Referenced in Code(s):							
ANSI/NSPI-APSP-4 99 2007	American National Standard for Aboveground/Onground Residential Swimming Pools	IRC							
ASABE		American Society of Agricultural & Biological Engineers							
Standard Reference Number	Title	Referenced in Code(s):							
EP 484.2 JUN 1998 (R2003-8)	Diaphragm Design of Metal-Clad, Wood-Frame Rectangular Buildings	IBC							
EP 486.1 DEC1999 (R20095)	Shallow Post Foundation Design	IBC							
EP 559 (1997) DEC1996 (R2008)	Design Requirements and Bending Properties for Mechanically Laminated Columns	IBC							
ASCE/SEI		American Society of Civil Engineers/Structural Engineers Institute							
Standard Reference Number	Title	Referenced in Code(s):							
3-91	Structural Design of Composite Slabs	IBC							
5-08 402-11	Building Code Requirements for Masonry Structures	IBC	IRC						
6-08 602-11	Specifications for Masonry Structures	IBC	IRC						
7-05 10	Minimum Design Loads for Buildings and Other Structures including Supplement No.1 and 2 excluding Chapter 14 and Appendix 11A	IBC	IRC	IEBC					
19-96 09	Structural Applications of Steel Cables for Buildings	IBC							

ASHRAE		American Society of Heating, Refrigerating and Air Conditioning Engineers							
Standard Reference Number	Title	Referenced in Code(s):							
15-2004 2010	Safety Standard for Refrigeration Systems	IMC							
34-2004 2010	Designation and Safety Classification of Refrigerants	IMC	IRC						
62.1-2004 2010	Ventilation for Acceptable Indoor Air Quality	IMC	IECC	IEBC					
90.1-2007 2010	Energy Standard for Buildings Except Low-Rise Residential Buildings including Addendum G (ANSI/ASHRAE/IESNA 90.1-2007)	IECC							
140-2007 2010	Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs	IECC							
146-1998 2006	Testing for Rating Pool Heaters	IECC							
ASHRAE-2005 2009	ASHRAE Handbook Fundamentals	IMC	IECC	IRC					
ASME		American Society of Mechanical Engineers							
Standard Reference Number	Title	Referenced in Code(s):							
A13.1-196 (Reaffirmed 2002) 2007	Scheme for the Identification of Piping Systems	IBC	IFC	IFGC					
A17.1/CSA B44-2007 ASME/A17.1-2007/CSA B44-2007	Safety Code for Elevators and Escalators - with A17.1a/CSA B44a-08 Addenda	IBC	IFC	IEBC	IRC	IPMC			
A17.3-2002 8	Safety Code for Existing Elevators and Escalators	IFC	IEBC						
A18.1-05 8	Safety Standard for Platform Lifts and Stairway Chairlifts	IBC	IFC	IEBC	IRC				
A90.1-03 9	Safety Standard for Belt Manlifts	IBC							
A112.14.1-2003 (Reaffirmed 2008)	Backwater Valves	IPC	IRC						
A112.14.3-2000 (Reaffirmed 2004)	Grease Interceptors	IPC	IRC						
A112.18.1-2005/CSA B125.1-2005 10	Plumbing Supply Fittings	IPC	IRC						
A112.18.2-2005/CSA B125.2-05	Plumbing Waste Fittings with <u>2007 and 2008 Supplements</u>	IPC	IRC						
A112.18.3M-2002 (Reaffirmed 2008)	Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings	IPC	IRC						
A112.18.6-2003 /CSA B125.6-2010	Flexible Water Connectors	IPC	IRC						
A112.19.1M-1994 (Reaffirmed 2004)/CSA B45.2-2008	Enameled Cast Iron and Enameled Steel Plumbing Fixtures	IPC	IRC						
A112.19.2-2003 2008/CSA B45.1-08	Vitreous China Plumbing Fixtures - and Hydraulic Requirements for Water Closets and Urinals Ceramic Plumbing Fixtures	IPC	IRC						

A112.19.3M-2000 (Reaffirmed 2007) 2008/CSA B45.4-08	Stainless Steel Plumbing Fixtures (Designed for Residential Use) with 2002 Supplement	IPC	IRC						
ASME A112.19.5/CSA B45.X-2005 9	Trim for Water-Closet Bowls, Tanks, and Urinals	IPC	IRC						
ASME A112.19.7/CSA B45.10M-2006 2009	Hydromassage Bathtub Appliances	IPC	IRC						
A112.19.8M—2007	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances - with A112.19.8a-2008 Addenda	IPC	IRC						
A112.36.2.M-1991(R2002 8)	Cleanouts	IPC							
B16.9-2003-7	Factory-Made Wrought Steel Steel Buttwelding Fittings	IPC	IRC	IMC					
B16.20-98 (Reaffirmed 2007)	Metallic Gaskets for Pipe Flanges Ring-Joint, Spiral-Wound and Jacketed	IFGC							
B16.24-2004 6	Cast Copper Alloy Pipe Flanges and Flanged Fittings: Class 150, 300, 400, 600, 900, 1500 and 2500	IMC							
B16.29-2004-7	Wrought Copper and Wrought Copper Allow Solder Joint Drainage Fittings - DWV	IPC	IRC	IMC					
B16.33-2002 (Reaffirmed 2007)	Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig (Sizes ½ through 2)	IFGC	IRC						
B16.44-2002 (Reaffirmed 2007)	Manually Operated Metallic Gas Valves for Use in Above Ground Piping Systems up to 5 psi	IFGC	IRC						
B20.1-2006 9	Safety Standard for Conveyors and Related Equipment	IBC							
B31.1-2004 07	Power Piping with B31.1a-2008 Addenda	IFC							
B31.9-04 08	Building Services Piping	IMC	IFC						
BPVC-2004 07	ASME Boiler & Pressure Vessel Code (2004) 07 Edition	IMC	IFC	IFGC	IRC				
CSD-1-2004 09	Controls and Safety Devices for Automatically Fired Boilers	IMC	IRC	IFGC					
PTC 4.1-1964 (Reaffirmed 1994) 2008	Fired Steam Generating Units	IECC							
ASSE	American Society of Sanitary Engineering								
Standard Reference Number	Title	Referenced in Code(s):							
1001-02 08	Performance Requirements for Atmospheric Type Vacuum Breakers	IPC	IRC						
1002-1999 2008	Performance Requirements for Antisiphon Fill Valves Ballcocks for Gravity Water Closet Flush Tanks	IPC	IRC						
1003-04 2009	Performance Requirements for Water Pressure Reducing Valves for Domestic Water Distribution Systems	IPC	IRC						
1004-1990 2008	Performance Requirements for Commercial Dishwashing Machines	IPC							
1008-1989 2006	Performance Requirements for Household Plumbing Aspects of Residential Food Waste Disposer Units	IPC	IRC						

1012- 02 09	Performance Requirements for Backflow Preventers with Intermediate Atmospheric Vent	IPC	IRC						
1013- 2005 2009	Performance Requirements for Reduced Pressure Principle Backflow Preventers and Reduced Pressure Principle Fire Protection Principle Backflow Preventers	IPC	IRC						
1015- 2005 2009	Performance Requirements for Double Check Backflow Prevention Assemblies and Double Check Fire Protection Backflow Prevention Assemblies	IPC	IRC						
1016- 1996 2010	Performance Requirements for Automatic Compensating, Valves for Individual Showers and Tub/Shower Combinations	IPC	IRC						
1017- 2003 2010	Performance Requirements for Temperature Actuated Mixing Valves for Hot Water Distribution Systems	IPC	IRC	IMC					
1018- 2004 2010	Performance Requirements for Trap Seal Primer Valves - Potable Water Supplied	IPC							
1019- 2004 2010	Performance Requirements for Freeze Resistant-Wall Hydrants, Vacuum Breaker, Automatic Draining Type	IPC	IRC						
1022-2003	Performance Requirements for Backflow Preventer for Carbonated Beverage Dispensing Machines Equipment	IPC							
1023- 1979 2010	Performance Requirements for Hot Water Dispensers - Household Storage Type - Electrical	IPC	IRC						
1035- 02 2008	Performance Requirements for Laboratory Faucet Backflow Preventers	IPC	IRC						
1037- 1999 2010	Performance Requirements for Pressurized Flushing Devices for Plumbing Fixtures	IPC	IRC						
1044- 2004 2010	Performance Requirements for Trap Seal Primer Devices - Drainage Types and Electronic Design Types	IPC							
1047- 2005 2009	Performance Requirements for Reduced Pressure Detector Fire Protection Backflow Prevention Assemblies	IPC	IRC						
1048- 2005 2009	Performance Requirements for Double Check Detector Fire Protection Backflow Prevention Assemblies	IRC	IPC						
1050- 02 2009	Performance Requirements for Stack Air Admittance Valves for Sanitary Drainage Systems	IPC	IRC						
1051- 02 2009	Performance Requirements for Individual and Branch Type Air Admittance Valves for Sanitary Drainage Systems	IRC	IPC						
1055- 1997 2009	Performance Requirements for Backflow Devices for Chemical Dispensing Systems	IPC							

1056-04 2010	Performance Requirements for Spill Resistant Vacuum Breaker	IPC	IRC						
1060- 1996 2006	Performance Requirements for Outdoor Enclosures for Backflow Prevention Assemblies Fluid Conveying Components	IPC	IRC						
1061- 06 2010	Performance Requirements for Removable and Non-Removable Push Fit Fittings	IPC	IRC						
1062- 1997 2006	Performance Requirements for Temperature Actuated, Flow Reduction Valves to Individual Fixture Supply Fittings	IRC	IPC						
1066- 1997 2009	Performance Requirements for Individual Pressure Balancing In-Line Valves for Individual Fixture Fittings	IPC	IRC						
1079-2005	Performance Requirements for Dielectric Pipe Unions	IPC							
5013- 1998 2009	Performance Requirements for Testing Reduced Pressure Principle Backflow Preventers (RP) and Reduced Pressure Principle Fire Protection Principle Backflow Preventers (RFP)	IPC							
5015- 1998 2009	Performance Requirements for Testing Double Check Valve Backflow Prevention Assemblies (DCVA) and Double Check Fire Protection Backflow Prevention Assemblies (DCF)	IPC							
5020- 1998 2009	Performance Requirements for Testing Pressure Vacuum Breaker Assemblies (PVBA)	IPC							
5048- 1998 2009	Performance Requirements for Testing Double Check Valve Detector Assembly (DCDA)	IPC							
5052- 1998 2009	Performance Requirements for Testing Hose Connection Backflow Preventers	IPC							
5056- 1998 2009	Performance Requirements for Testing Spill Resistant Vacuum Breaker (SRVB)	IPC							
ASTM		ASTM International							
Standard Reference Number	Title	Referenced in Code(s):							
A 36/A 36M- 05 08	Specification for Carbon Structural Steel	IBC	IRC						
A 53/A 53M- 06a 07	Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless	IPC	IMC	IRC	IFGC				
A 74- 06 09	Specification for Cast Iron Soil Pipe and Fittings	IPC	IRC	IPSDC					
A 106/A 106M- 06a 08	Specification for Seamless Carbon Steel Pipe for High-Temperature Service	IMC	IRC	IFGC					
A 167-99(2004) 9	Specification for Stainless and Heat-Resisting Chromium-Nickel Steel Plate, Sheet and Strip	IRC							

A 240/A 240M-07 09a	Standard Specification for Chromium and Chromium-Nickel Stainless Steel Plate, Sheet and Strip for Pressure Vessels and for General Applications	IBC	IRC						
A 252-98(2002 07)	Specification for Welded and Seamless Steel Pipe Piles	IBC							
A 254-97(2002 07)	Specification for Copper Brazed Steel Tubing	IMC	IRC	IFGC					
A 283/A 283M-03(2007)	Specification for Low and Intermediate Tensile Strength Carbon Steel Plates	IBC							
A 307-04E04 07b	Specification for Carbon Steel Bolts and Studs, 60,000 psi Tensile Strength	IBC	IRC						
A 312/A 312M-06 08a	Specification for Seamless, and Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes	IPC	IRC						
A 463M/A 463M-05 06	Specification for Steel Sheet, Aluminum-Coated, by the Hot Dip Process	IBC	IRC						
A 510-06 08	Specification for General Requirements for Wire Rods and Coarse Round Wire, Carbon Steel	IRC							
A 588/A 588M-05	Specification for High-Strength Low-Alloy Structural Steel with 50 ksi (345 Mpa) Minimum Yield Point, to 4 inches (100mm) Thick with Atmospheric Corrosion Resistance	IBC							
A 615/A 615M-04a 09	Specification for Deformed and Plain Billet-Steel Bars for Concrete Reinforcement	IBC	IRC						
A 641/A 641M-03 09a	Specification for Zinc-Coated (Galvanized) Carbon Steel Wire	IRC							
A 653/A 653M-07 08	Specification for Steel Sheet, Zinc-Coated Galvanized or Zinc-Iron Alloy-Coated Galvannealed by the Hot-Dip Process	IBC	IRC						
A 706/A 706M-05a 09	Specification for Low-Alloy Steel Deformed and Plain Bars for Concrete Reinforcement	IBC	IRC						
A 755/A 755M-07 03(2008)	Specification for Steel Sheet, Metallic-Coated by the Hot-Dip Process and Prepainted by the Coil-Coating Process for Exterior Exposed Building Products	IBC	IRC						
A 792/A 792M-06a 08	Specification for Steel Sheet, 55% Aluminum-Zinc Alloy-Coated by the Hot-Dip Process	IBC	IRC						
A 888-07a 09	Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Application	IPC	IPSDC	IRC					
A 913/A 913M-04 07	Specification for High-Strength Low-Alloy Steel Shapes of Structural Quality, Produced by Quenching and Self-Tempering Process (QST)	IBC							
A 924/A 924M-07 08a	Standard Specification for General Requirements for Steel Sheet, Metallic-Coated by the Hot Dip Process	IBC	IRC						

A 996/A 996M-06a 09	Specification for Rail-Steel and Axle-Steel Deformed Bars for Concrete Reinforcement	IRC							
A 1003/A 1003M-05 08	Standard Specification for Steel Sheet, Carbon, Metallic- and Nonmetallic-Coated for Cold-formed Framing Members	IRC							
B 32-04 08	Specification for Solder Metal	IPC	IMC	IRC	IPSDC				
B 101-02 07	Specification for Lead-Coated Copper Sheet and Strip for Building Construction	IBC	IRC						
B 135-02 08a	Specification for Seamless Brass Tube	IMC	IRC						
B 152/B 152M-06ae1	Specification for Copper Sheet, Strip Plate and Rolled Bar	IPC							
B 209-06 07	Specification for Aluminum and Aluminum-Alloy Steel and Plate	IBC	IRC						
B 210-02 04	Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes	IFGC							
B 280-03 08	Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	IMC	IFC	IBC					
B 302-02 07	Specification for Threadless Copper Pipe, Standard Sizes	IPC	IRC	IMC					
B 306-02 09	Specification for Copper Drainage Tube (DWV)	IPC	IRC						
B 370-03 09	Specification for Cold Rolled Copper Sheet and Strip for Building Construction	IBC	IRC						
B 813-00e04 (2009)	Specification for Liquid and Paste Fluxes for Soldering of Copper and Copper Alloy Tube	IPC	IPSDC	IRC	IMC				
C 14-07	Specification for <u>Nonreinforced</u> Concrete Sewer, Storm Drain, and Culvert Pipe	IPC	IPSDC	IRC					
C 27-98(2002) 2008	Specification for Standard Classification of Fireclay and High-Alumina Refractory Brick	IBC	IRC						
C 31/C 31M-06 08b	Practice for Making and Curing Concrete Test Specimens in the Field	IBC							
C 33/C33M-03 08	Specification for Concrete Aggregates	IBC	IRC						
C 62-05 08	Specification for Building Brick (Solid Masonry Units Made From Clay or Shale)	IBC	IRC						
C 67-07 08	Test Methods of Sampling and Testing Brick and Structural Clay Tile	IBC							
C 76-07 08a	Specification for Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe	IPC	IPSDC	IRC					
C 90-06b 08	Specification for Loadbearing Concrete Masonry Units	IBC	IRC	IECC					
C 94/C 94M-07 09	Specification for Ready-Mixed Concrete	IBC	IRC						
C 140-07 08a	Test Method Sampling and Testing Concrete Masonry Units and Related Units	IBC							

C 143/C 143M- 05a 08	Test Method for Slump of Hydraulic Cement Concrete	IRC							
C 172-04 08	Practice for Sampling Freshly Mixed Concrete	IBC							
C 207-06	Specification for Hydrated Lime for Masonry Purposes	IRC							
C 208-95 (2004) 08a	Specification for Cellulosic Fiber Insulating Board	IBC	IRC						
C 216-07a	Specification for Facing Brick (Solid Masonry Units Made From Clay or Shale)	IBC	IRC						
C 270-07 08a	Specification for Mortar for Unit Masonry	IBC	IRC						
C 272-01(2007)	Standard Test Method for Water Absorption of Core Materials for Structural Sandwich Constructions	IRC							
C 273/ C273M- 00e1 07a	Standard Test Method for Shear Properties of Sandwich Core Materials	IRC							
C 296-00(2004)e01	Specification for Asbestos-Cement Pressure Pipe	IPC	IRC						
C 428-97 05(2006)	Specification for Asbestos-Cement Nonpressure Sewer Pipe	IPC	IPSDC	IRC					
C 473- 06a 07	Test Methods for Physical Testing of Gypsum Panel Products	IBC							
C 474-02(2007) 05	Test Methods for Joint Treatment Materials for Gypsum Board Construction	IBC							
C 475/C 475M- 05 02(2007)	Specification for Joint Compound and Joint Tape for Finishing Gypsum Wallboard	IBC	IRC						
C 476-02 08	Specification for Grout for Masonry	IRC							
C 503-05 08a	Specification for Marble Dimension Stone (Exterior)	IBC							
C 516-02 08a	Specification for Vermiculite Loose Fill Thermal Insulation	IBC							
C 547-06 07e1	Specification for Mineral Fiber Pipe Insulation	IBC							
C 552-03 07	Standard Specification for Cellular Glass Thermal Insulation	IBC	IRC						
C 564- 03a 08	Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings	IPC	IPSDC	IRC					
C 568-03 08a	Specification for Limestone Dimension Stone	IBC							
C 578-07 08b	Standard Specification for Rigid, Cellular Polystyrene Thermal Insulation	IBC	IRC						
C 595-07 08a	Specification for Blended Hydraulic Cements	IBC	IRC						
C 616- 03 08a	Specification for Quartz Dimension Stone	IBC							
C 629-03 08	Specification for Slate Dimension Stone	IBC							
C 631- 95a (2004) 09	Specification for Bonding Compounds for Interior Gypsum Plastering	IBC	IRC						

C 635/C635M-04 07	Specification for the Manufacturer, Performance, and Testing of Metal Suspension Systems for Acoustical Tile and Lay-In Panel Ceilings	IBC							
C 636/C636M-06 08	Practice for Installation of Metal Ceiling Suspension Systems for Acoustical Tile and Lay-In Panels	IBC							
C 645-07 08a	Specification for Nonstructural Steel Framing Members	IBC	IRC						
C 652-05a 09	Specification for Hollow Brick (Hollow Masonry Units Made from Clay or Shale)	IBC	IRC						
C 685/C 685M-04 07	Specification for Concrete Made by Volumetric Batching and Continuous Mixing	IRC							
C 700-07a	Specification for Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated	IPC	IPSDC	IRC					
C 744-05 08	Specification for Prefaced Concrete and Calcium Silicate Masonry Units	IBC							
C 754-04 08	Specification for Installation of Steel Framing Members to Receive Screw-Attached Gypsum Panel Products	IBC							
C 840-07 08	Specification for Application and Finishing of Gypsum Board	IBC							
C 841-03(2008)e1	Specification for Installation of Interior Lathing and Furring	IBC							
C 847-06 09	Specification for Metal Lath	IBC	IRC						
C 913-02 08	Specification for Precast Concrete Water and Waste Water Structures	IPSDC	IBC						
C 920-05 08	Standard Specification for Elastomeric Joint Sealants	IBC	IRC						
C 926-08a(2005) 06	Specification for Application of Portland Cement-Based Plaster	IBC	IRC						
C 933-05 07b	Specification for Welded Wire Lath	IBC	IRC						
C 954-04 07	Specification for Steel Drill Screws for the Application of Gypsum Panel Products or Metal Plaster Bases to Steel Studs from 0.033 inch (0.84 mm) to 0.112 inch (2.84 mm) in Thickness	IBC	IRC						
C 955-06 09	Standard Specification for Load-bearing Transverse and Axial Steel Studs, Runners Tracks, and Bracing or Bridging, for Screw Application of Gypsum Panel Products and Metal Plaster Bases	IBC	IRC						
C 1002-04 07	Specification for Steel Self-Piercing Tapping Screws for the Application of Gypsum Panel Products or Metal Plaster Bases to Wood Studs or Steel Studs	IBC	IRC						
C 1007-04 08a	Specification for Installation of Load Bearing (Transverse and Axial) Steel Studs and Related Accessories	IBC							
C 1019-05 09	Test Method for Sampling and Testing Grout	IBC							

C 1029- 05a 08	Specification for Spray-Applied Rigid Cellular Polyurethane Thermal Insulation	IBC	IRC						
C 1047- 06 09	Specification for Accessories for Gypsum Wallboard and Gypsum Veneer Base	IBC	IRC						
C 1053-00(2005)	Specification for Borosilicate Glass Pipe and Fittings for Drain, Waste, and Vent (DWV) Applications	IPC							
C 1063- 06 08	Specification for Installation of Lathing and Furring to Receive Interior and Exterior Portland Cement-Based Plaster	IBC	IRC						
C 1088- 07a 09	Specification for Thin Veneer Brick Units Made From Clay or Shale	IBC							
C 1107/C1107M- 07 08	Standard Specification for Packaged Dry, Hydraulic-Cement Grout (Nonshrink)	IRC							
C 1116/C1116M - 06 08a	Standard Specification for Fiber - Reinforced Concrete and Shotcrete	IRC							
C 1157- 03 08a	Performance Specification for Hydraulic Cement	IRC							
C 1173- 06 08	Specification for Flexible Transition Couplings for Underground Piping Systems	IPC	IPSDC	IRC					
C 1177/C 1177M- 06 08	Specification for Glass Mat Gypsum Substrate for Use as Sheathing	IBC	IRC						
C 1178/C 1178M- 06 08	Specification for Coated Mat Water-Resistant Gypsum Backing Panel	IBC	IRC						
C 1186- 07 08	Specification for Flat Nonasbestos Fiber Cement Sheets	IBC	IRC						
C 1277- 06 08	Specification for Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings	IPC	IPSDC	IRC					
C 1278/C 1278M- 06 07a	Specification for Fiber-Reinforced Gypsum Panels	IBC	IRC						
C 1280-04 09	Specification for Application of Gypsum Sheathing	IBC							
C 1283-07a	Practice for Installing Clay Flue Lining	IBC	IRC						
C 1288-99(2004)e1	Standard Specification for Discrete Non-Asbestos Fiber-Cement Interior Substrate Sheets	IBC	IRC						
C 1289— 07 08	Standard Specification for Faced Rigid Cellular Polyisocyanurate Thermal Insulation Board	IBC	IRC						
C 1325-04 08b	Standard Specification for Non-Asbestos Fiber-Mat Reinforced Cementitious Backer Units Interior Substrate Sheets	IBC	IRC						
C 1396M/ C1396M-06a	Specification for Gypsum Board	IBC	IRC						
C 1405- 07 08	Standard Specification for Glazed Brick (Single Fired, Solid Brick Units)	IBC							
C 1440- 03 08	Specification for Thermoplastic Elastomeric (TPE) Gasket Materials for Drain, Waste, and Vent (DWV), Sewer, Sanitary and Storm Plumbing Systems	IPC	IPSDC	IRC					

C 1460-04 08	Specification for Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground	IPC	IPSDC	IRC					
C 1461-06 08	Specification for Mechanical Couplings Using Thermoplastic Elastomeric (TPE) Gaskets for Joining Drain, Waste, and Vent (DWV) Sewer, Sanitary, and Storm Plumbing Systems for Above and Below Ground Use	IPC	IPSDC	IRC					
C 1540-04 08	Specification for Heavy Duty Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings	IPC							
C 1563-04 08	Standard Test Method for Gaskets for Use in Connection with Hub and Spigot Cast Iron Soil Pipe and Fittings for Sanitary Drain, Waste, Vent and Storm Piping	IPC							
D 86-07a 09	Test Method for Distillation of Petroleum Products at Atmospheric Pressure	IBC	IFC						
D 93-07 08	Test Method for Flash Point by Pensky-Martens Closed Cup Tester	IBC	IFC	IMC					
D 225-04 07	Specification for Asphalt Shingles (Organic Felt) Surfaced with Mineral Granules	IBC	IRC						
D 323-06 08	Test Method for Vapor Pressure of Petroleum Products (Reid Method)	IFC							
D 422-63(2002 7)E04	Test Method for Particle-Size Analysis of Soils	IBC	IRC						
D 448-03a 08	Standard Classification for Sizes of Aggregate for Road and Bridge Construction	IBC							
D 449-03(2008)	Specification for Asphalt Used in Dampproofing and Waterproofing	IRC							
D 1003-00 07e1	Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics	IECC							
D 1143/D1143M-07e1	Test Method for Piles Under Static Axial Compressive Load	IBC							
D 1557-02e04 07	Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft ³ (2,700kN-m/m ³))	IBC							
D 1586-99 08a	Specification for Penetration Test and Split-Barrel Sampling of Soils	IBC							
D 1622-03 08	Standard Test Method for Apparent Density of Rigid Cellular Plastics	IRC							
D 1623-78(1995) 03	Standard Test Method for Tensile and Tensile Adhesion Properties of Rigid Cellular Plastics	IRC							
D 1693-07 08	Test Method for Environmental Stress-Cracking of Ethylene Plastics	IRC	IMC						
D 1784-06a 08	Specification for Rigid Poly (Vinyl Chloride) (PVC) Compounds and Chlorinated Poly (Vinyl Chloride) (CPVC) Compounds	IRC							

D 1869-95 (2005)e1	Specification for Rubber Rings for Asbestos-Cement Pipe	IPC	IPSDC	IRC					
D 1970-04 09	Specification for Self-Adhering Polymer Modified Bituminous Sheet Materials Used as Steep Roof Underlayment for Ice Dam Protection	IBC	IRC						
D 2412-02(2008)	Test Method for Determination of External Loading Characteristics of Plastic Pipe by Parallel-Plate Loading	IMC	IRC						
D 2487-06e1	Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)	IBC							
D 2513-07a 08b	Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings	IFGC	IMC	IRC					
D 2609-02(2008)	Specification for Plastic Insert Fittings for Polyethylene (PE) Plastic Pipe	IPC	IRC						
D 2661-06 08	Specification for Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40 Plastic Drain, Waste, and Vent Pipe and Fittings	IPC	IPSDC	IRC					
D 2665-07 09	Specification for Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings	IPC	IPSDC	IRC					
D 2729-04e04 03	Specification for Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	IPC	IRC	IPSDC					
D 2822-(2005)	Specification for Asphalt Roof Cement, Asbestos Containing	IBC	IRC						
D 2823-05	Specification for Asphalt Roof Coatings, Asbestos Containing	IBC	IRC						
D 2837-04e04 08	Test Method for Obtaining Hydrostatic Design Basis for Thermoplastic Pipe Materials or Pressure Design Basis for Thermoplastic Pipe Products	IMC	IRC						
D 2846/D 2846M-06 09	Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot- and Cold-Water Distribution Systems	IPC	IRC	IMC					
D 2850-03a(2007)	Test Method for Unconsolidated, Undrained Triaxial Compression Test on Cohesive Soils	IBC							
D 2898-04 (2008e01)	Standard Test Methods for Accelerated Weathering of Fire-Retardant-treated Wood for Fire Testing	IWUIC							
D 2949 - 01ae04a(2008)	Specification for 3.25-in. Outside Diameter Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings	IPC	IPSDC	IRC					
D 3019-04(2007) 08	Specification for Lap Cement Used with Asphalt Roll Roofing, Non-Fibred, Asbestos Fibred, and Non-Asbestos Fibred	IBC	IRC						
D 3034 - 06 08	Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	IPC	IPSDC	IRC					
D 3035-06 08	Specification for Polyethylene (PE) Plastic Pipe (DR-PR) Based on Controlled Outside Diameter	IPC	IRC	IMC					

D 3161- 06 09	Test Method for a Wind Resistance of Asphalt Shingles (Fan Induced Method)	IBC	IRC						
D 3201- 07 08a	Test Method for Hygroscopic Properties of Fire-Retardant Wood and Wood-Base Products	IBC	IRC	IWUIC					
D 3212- 96a(2003)e01 07	Specification for Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals	IPC	IPSDC	IRC					
D 3261-03	Standard Practice Specification for Butt Heat Fusion Polyethylene (PE) Plastic Fittings Joining of Polyolefin Plastic Pipe and Fittings Tubing	IMC	IPC						
D 3278- 2004e01 96(2004)e01	Test Methods for Flash Point of Liquids by Small Scale Closed-Cup Apparatus	IBC	IFC	IMC					
D 3311- 06a 08	Specification for Drain, Waste and Vent (DWV) Plastic Fittings Patterns	IPC	IRC						
D 3350- 06 08	Specification for Polyethylene Plastics Pipe and Fittings Materials	IMC	IRC						
D 3462- 07 09	Specification for Asphalt Shingles Made From Glass Felt and Surfaced with Mineral Granules	IBC	IRC						
D 3679- 06a 09	Specification for Rigid Poly (Vinyl Chloride) (PVC) Siding	IBC	IRC						
D 3689- 90 (1995) 07	Method for Testing Individual Piles Test Methods for Deep Foundations Under Static Axial Tensile Load	IBC							
D 3737- 07 08	Practice for Establishing Allowable Properties for Structural Glued Laminated Timber (Glulam)	IBC	IRC						
D 3746-85(2002) 2008	Test Method for Impact Resistance of Bituminous Roofing Systems	IBC							
D 3909-97b(2004)e01	Specification for Asphalt Roll Roofing (Glass Felt) Surfaced with Mineral Granules	IBC	IRC	IWUIC					
D 4272- 03 08a	Test Method for Total Energy Impact of Plastic Films by Dart Drop	IBC							
D 4434/D4434M - 06 09	Specification for Poly (Vinyl Chloride) Sheet Roofing	IBC	IRC						
D 4551-96 (2004 8)e1	Specification for Poly (Vinyl Chloride) (PVC) Plastic Flexible Concealed Water-Containment Membrane	IPC	IRC						
D 4586- 00 07	Specification for Asphalt Roof Cement, Asbestos-Free	IBC	IRC						
D 4637- 04 08	Specification for EPDM Sheet Used in Single-Ply Roof Membrane	IBC	IRC						
D 4829- 07 08a	Test Method for Expansion Index of Soils	IBC	IRC						
D 4945- 00 08	Test Method for High-Strain Dynamic Testing of Piles	IBC							
D 5019 - 07a	Specification for Reinforced Nonvulcanized Polymeric Sheet Used in Roofing Membrane	IBC	IRC						
D 5055- 06 09	Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists	IBC	IRC						

D 5456- 05a 09	Specification for Evaluation of Structural Composite Lumber Products	IBC							
D 5664- 02 08	Test Methods for Evaluating the Effects of Fire-Retardant Treatments and Elevated Temperatures on Strength Properties of Fire-Retardant Treated Lumber	IBC	IRC						
D 6162-00a(2008)	Specification for Styrene Butadiene Styrene (SBS) Modified Bituminous Sheet Materials Using a Combination of Polyester and Glass Fiber Reinforcements	IBC	IRC						
D 6163-00(2008)	Specification for Styrene Butadiene Styrene (SBS) Modified Bituminous Sheet Materials Using Glass Fiber Reinforcements	IBC	IRC						
D 6164-05e1	Specification for Styrene Butadiene Styrene (SBS) Modified Bituminous Sheet Materials Using Polyester Reinforcements	IBC	IRC						
D 6221-00(2006)	Specification for Reinforced Bituminous Flashing Sheets for Roofing and Waterproofing	IRC							
D 6222-02e04 08	Specification for Atactic Polypropylene (APP) Modified Bituminous Sheet Materials Using Polyester Reinforcements	IBC	IRC						
D 6223-02e042	Specification for Atactic Polypropylene (APP) Modified Bituminous Sheet Materials Using a Combination of Polyester and Glass Fiber Reinforcements	IBC	IRC						
D 6298-05e1	Specification for Fiberglass Reinforced Styrene-Butadiene-Styrene (SBS) Modified Bituminous Sheets with a Factory Applied Metal Surface	IBC	IRC						
D 6305- 02e04 08	Practice for Calculating Bending Strength Design Adjustment Factors for Fire-Retardant-Treated Plywood Roof Sheathing	IBC	IRC						
D 6380-03(2009)	Standard Specification for Asphalt Roll Roofing (Organic) Felt	IBC	IRC						
D 6509/D6509M — 00 09	Standard Specification for Atactic Polypropylene (APP) Modified Bituminous Base Sheet Materials Using Glass Fiber Reinforcements	IBC							
D 6662- 06 09	Standard Specification for Polyolefin-Based Plastic Lumber Decking Boards	IWUIC							
D 6694- 07 08	Standard Specification for Liquid-applied Silicone Coating Used In Spray Polyurethane Foam Roofing	IBC	IRC						
D 6841- 03 08	Standard Practice for Calculating Design Value Treatment Adjustment Factors for Fire-Retardant-Treated Lumber	IBC	IRC						

D 6878-06a 08e1	Standard Specification for Thermoplastic Polyolefin Based Sheet Roofing	IBC	IRC						
D 7032-07 08	Standard Specification for Establishing Performance Ratings for Wood-Plastic Composite Deck Boards and Guardrail Systems (Guards or Handrails)	IRC							
D 7158-07 08d	Standard Test Method for Wind Resistance of Sealed Asphalt Shingles (Uplift Force/Uplift Resistance Method)	IBC	IRC						
E 84-07 09	Test Method for Surface Burning Characteristics of Building Materials	IBC	IRC	IFC	IMC	IWU IC			
E 119-07 08a	Test Methods for Fire Tests of Building Construction and Materials	IBC	IRC	IMC					
E 136-04 09	Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 Degrees C	IBC	IRC	IMC	IWUIC				
E 283-04	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors under Specified Pressure Differences Across the Specimen	IRC	IECC						
E 331-00(2009)	Test Method for Water Penetration of Exterior Windows, Skylights, Doors and Curtain Walls by Uniform Static Air Pressure Difference	IBC	IRC						
E 492-04 09	Test Method for Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine	IBC	IRC						
E 814-06 08b	Test Method of Fire Tests of Through-Penetration Firestops	IBC	IRC	IMC					
E 970-09 08a	Test Method for Critical Radiant Flux of Exposed Attic Floor Insulation Using a Radiant Heat Energy Source	IBC	IRC						
E 1300-04 07e01	Practice for Determining Load Resistance of Glass in Buildings	IBC							
E 1354-04a 09	Standard Test Method for Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter	IBC	IFC						
E 1592-04 05	Test Method for Structural Performance of Sheet Metal Roof and Siding Systems by Uniform Static Air Pressure Difference	IBC							
E 1886-06 05	Test Method for Performance of Exterior Windows, Curtain Walls, Doors and Storm Shutters Impacted by Missiles and Exposed to Cyclic Pressure Differentials	IBC	IRC						
E 1966-04 07	Test Method for Fire Resistant Joint Systems	IBC							
E 1996-06 09	Specification for Performance of Exterior Windows, Glazed Curtain Walls, Doors and Impact Protective Systems Impacted by Windborne Debris in Hurricanes	IBC	IRC						

E 2404—07a 08	Standard Practice for Specimen Preparation and Mounting of Textile, Paper or Vinyl Wall or Ceiling Coverings to Assess Surface Burning Characteristics	IBC	IFC						
E 2568—07 09e1	Standard Specification of PB Exterior Insulation and Finish Systems (EIFS)	IBC	IRC						
E 2573—07a	Standard Practice for Specimen Preparation and Mounting of Site-Fabricated Stretch Systems to Assess Surface Burning Characteristics	IBC	IFC						
F 405-05	Specification for Corrugated Polyethylene (PE) Pipe Tube and Fittings	IPC	IPSDC	IRC					
F 409-02(2008)	Specification for Thermoplastic Accessible and Replaceable Plastic Tube and Tubular Fittings	IPC	IRC						
F 441/F 441M-02 (2008)	Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe, Schedules 40 and 80	IPC	IRC	IMC					
F 442/F 442M-99(2005)e1	Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)	IPC	IRC	IMC					
F 477-07 08	Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe	IPC	IPSDC	IRC					
F 547-04 06	Terminology of Nails for Use with Wood and Wood-based Materials	IBC							
F 628-06e04 08	Specification for Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40 Plastic Drain, Waste, and Vent Pipe with a Cellular Core	IPC	IPSDC	IRC					
F 656-02 08	Specification for Primers for Use in Solvent Cement Joints of Poly (Vinyl Chloride) (PVC) Plastic Pipe and Fittings	IPC	IPSDC	IRC					
F 714-06a 08	Specification for Polyethylene (PE) Plastic Pipe (SDR-PR) Based on Outside Diameter	IPC	IRC						
F 876-06 08b	Specification for Crosslinked Polyethylene (PEX) Tubing	IPC	IRC	IMC					
F 891-04 07	Specification for Coextruded Poly (Vinyl Chloride) (PVC) Plastic Pipe with a Cellular Core	IPC	IPSDC	IRC					
F 1055-98(2006)	Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Fittings Tubing	IPC	IRC	IMC					
F 1412-01e04 09	Specification for Polyolefin Pipe and Fittings for Corrosive Waste Drainage	IPC	IRC						
F 1476- (2006) 07	Standard Specification for Performance of Gasketed Mechanical Couplings for Use in Piping Applications	IMC							
F 1499-01(2008)	Specification for Coextruded Composite Drain, Waste, and Vent Pipe (DWV)	IPSDC							
F 1554-04e4 07a	Specification for Anchor Bolts, Steel 36, 55 and 105 ksi Yield	IRC							

	<u>Strength</u>								
F 1807-07 08	Specifications for Metal Insert Fittings Utilizing a Copper Crimp Ring for SDR9 Cross-linked Polyethylene (PEX) Tubing	IPC	IRC						
F 1960-07 09	Specification for Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-linked Polyethylene (PEX) Tubing	IPC	IRC						
F 1973-05 08	Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems	IFGC	IRC						
F 1974-04 08	Specification for Metal Insert Fittings for Polyethylene/Aluminum/Polyethylene and Crosslinked Polyethylene/Aluminum/Crosslinked Polyethylene Composite Pressure Pipe	IPC	IRC	IMC					
F 2006-00(2005) 08	Standard/Safety Specification for Window Fall Prevention Devices for Non-Emergency Escape (Egress) and Rescue (Ingress) Windows	IBC							
F 2080-05 08	Specification for Cold-Expansion Fittings with Metal Compression-Sleeves for Cross-linked Polyethylene (PEX) Pipe	IPC	IRC						
F 2090-01a(2007) 08	Specification for Window Fall Prevention Devices with Emergency Escape (Egress) Release Mechanisms	IBC	IRC						
F 2098-04e4 08	Standard Specification for Stainless Steel Clamps for Securing SDR9 Cross-linked Polyethylene (PEX) Tubing to Metal Insert and Plastic Insert Fittings	IPC	IRC						
F 2158-04 08	Standard Specification for Residential Central-Vacuum Tubes and Fittings	IRC							
F 2306/F 2306M-05 08	Specification for 12" to 60" in. 300 to 1500 mm annular Corrugated Profile-Wall Polyethylene (PE) Pipe and Fittings for Gravity-Flow Storm Sewer and Subsurface Drainage Applications	IPC							
F 2389-06 07e1	Specification for Pressure-Rated Polypropylene (PP) Piping Systems	IPC	IRC	IMC					
F2434-05 08	Standard Specification for Metal Insert Fittings Utilizing a Copper Crimp ring for SDR9 Cross-Linked Polyethylene (PEX) Tubing and SDR9 Cross-Linked Polyethylene/Aluminum/Cross-Linked Polyethylene (PEX-AL-PEX) Tubing	IPC	IRC						
F 2623-07 08	Standard Specification for Polyethylene of Raised Temperature (PE-RT) SDR 9 Tubing	IMC	IRC						

G 154-05 06	Practice for Operating Fluorescent Light Apparatus for UV Exposure of Nonmetallic Materials	IBC								
AWPA		American Wood Protection Association								
Standard Reference Number	Title	Referenced in Code(s):								
M4-06 08	Standard for the Care of Preservative-Treated Wood Products	IBC	IRC							
U1-07 11	USE CATEGORY SYSTEM: User Specification for Treated Wood except Section 6, Commodity Specification H	IBC	IRC							
BHMA		Builders Hardware Manufacturers' Association								
Standard Reference Number	Title	Referenced in Code(s):								
A 156.10.06 2011	Power Operated Pedestrian Doors	IBC	IFC							
A 156.19-2002 07	Power Assist and Low Energy Power Operated Doors	IBC	IFC							
CPA		Composite Panel Association								
Standard Reference Number	Title	Referenced in Code(s):								
A135.6-4998 2006	Hardboard Siding	IBC	IRC							
A208.1-99 2009	Particleboard	IBC	IRC							
CPSC		Consumer Product Safety Commission								
Standard Reference Number	Title	Referenced in Code(s):								
16 CFR Part 1201(1977) 2002	Safety Standard for Architectural Glazing Material	IBC	IRC							
16 CFR Part 1209 (1979) 2002	Interim Safety Standard for Cellulose Insulation	IBC	IRC							
16 CFR Part 1404 (1979) 2002	Cellulose Insulation	IBC	IRC							
16 CFR Part 1500 (1994) 2009	Hazardous Substances and Articles; Administration and Enforcement Regulations	IBC	IFC							
16 CFR Part 1500.41 (1984) 2009	Method for Testing Primary Irritant Substances	IFC								
16 CFR Part 1500.42 (1994) 2009	Test for Eye Irritants	IFC								
16 CFR Part 1500.44 (2004) 2009	Method for Determining Extremely Flammable and Flammable Solids	IBC	IFC							
16 CFR Part 1507 (2004) 2002	Firework Devices	IBC	IFC							
16 CFR Part 1630 (2000) (2007)	Standard for the Surface Flammability of Carpets and Rugs	IBC	IFC							
CSA		Canadian Standards Association								
Standard Reference Number	Title	Referenced in Code(s):								
ASME A112.9.2/CSA B45.1-02 08	Ceramic Plumbing Fixtures	IPC	IRC							

ASME A112.19.1/CSA B45.2— 02 08	Enameled Cast-iron and Enameled Steel Plumbing Fixtures	IPC	IRC						
ASME A112.19.3/CSA B45.4— 02 08	Stainless-steel Plumbing Fixtures	IPC	IRC						
B45.5—02 (R2008)	Plastic Plumbing Fixtures	IPC	IRC						
B45.9—99 (R2008)	Macerating Systems and Related Components	IPC	IRC						
B64.1.1-04 07	Atmospheric Vacuum Breakers Vacuum Breakers, Atmospheric Type (AVB)	IPC	IRC						
B64.1.2—04 07	Pressure Vacuum Breakers, Type (PVB)	IPC	IRC						
B64.2-04-07	Hose connection vacuum breakers vacuum breakers, hose connection type (HCVB)	IPC	IRC						
B64.2.1—04 07	Hose Connection Vacuum Breakers, Type (HCVB) with Manual Draining Feature	IPC	IRC						
B64.2.1.1—04 07	Hose Connection Dual Check Vacuum Breakers, Type (HCDVB)	IPC	IRC						
B64.2.2-04-07	Hose connection vacuum breakers vacuum breakers, hose connection type (HCVB) with automatic draining feature	IPC	IRC						
B64.3-04-07	Dual check valve backflow preventers Backflow preventers, dual check valve type with atmospheric port (DCAP)	IPC	IRC						
B64.4-04-07	Backflow preventers , Reduced pressure principle backflow preventers (RP)	IPC	IRC						
B64.4.1—04 07	Backflow Preventers , Reduced Pressure Principle Type for Fire Sprinklers (RPF)	IPC	IRC						
B64.5—04 07	Double Check Backflow Preventers, Type (DCVA)	IPC	IRC						
B64.5.1—04 07	Double Check Valve Backflow Preventers, Type for Fire Systems (DCVAF)	IPC	IRC						
B64.6—04 07	Dual Check Backflow Preventers, Valve Type (DuC)	IPC							
B64.7—94 07	Laboratory Faucet Vacuum Breakers, Type (LFVB)	IPC	IRC						
B64.10/B64.10.1—04 07	Manual for the Selection and Installation of Backflow Prevention Devices/ Manual for the Maintenance and Field Testing of Backflow Prevention Devices	IPC							
B64.10/B64.10.1—04 07	Manual for the Selection and Installation of Backflow Prevention Devices / Manual for the Maintenance and Field Testing of Backflow Prevention Devices	IPC							
B79—94(2000) 08	Commercial and residential Floor, Area and Shower Drains, and Cleanouts for Residential Construction	IPC							

ASME A112.18.1/CSA B125— 04 05	Plumbing Supply Fittings	IPC	IRC						
ASME A112.18.2/CSA B125.2— 2005	Plumbing Waste Fittings	IPC	IRC						
B125.3—2005	Plumbing Fittings	IPC	IRC						
B137.1—02 05	Polyethylene (PE) Pipe, Tubing and Fittings for Cold Water Pressure Services	IPC	IRC						
B137.2—02 05	Polyvinylchloride PVC Injection- moulded Gasketed Fittings for Pressure Applications	IPC	IRC						
B137.3—02 05	Rigid poly(vinylchloride)-(PVC) Pipe for Pressure Applications	IPC	IRC	IPSDC					
B137.5—02 05	Cross-linked Polyethylene (PEX) Tubing Systems for Pressure Applications—with Revisions through September 1992	IPC	IRC						
B137.6—02 05	Chlorinated polyvinylchloride CPVC Pipe, Tubing and Fittings for Hot and Cold Water Distribution Systems—with Revisions through May 1986	IPC	IRC						
B137.9-02 05	Polyethylene/Aluminum/Polyeth ylene (PE-AL-PE) Composite Pressure -Pipe Systems	IPC	IRC	IMC					
B137.10M—02 05	Cross-linked Polyethylene/Aluminum/Cross- linked Polyethylene (PEX-AL- PEX) Composite Pressure Pipe Systems	IPC	IRC	IMC					
B137.11—02 05	Polypropylene (PP-R) Pipe and Fittings for Pressure Applications	IPC	IRC						
B181.1—02 06	Acrylonitrile-butadiene-styrene (ABS) Drain, Waste and Vent Pipe and Pipe Fittings	IPC	IRC	IPSDC					
B181.2—02 06	Polyvinylchloride (PVC) and chlorinated polyvinylchloride (CPVC) Drain, Waste, and Vent Pipe and Pipe Fittings—with Revisions through December 1993	IPC	IRC	IPSDC					
B181.3—02 06	Polyolefin and polyvinylidene (PVDF) Laboratory Drainage Systems	IPC	IRC						
B182.1—02 06	Plastic Drain and Sewer Pipe and Pipe Fittings	IPC	IPSDC						
B182.2—02 06	(PSM Type) polyvinylchloride (PVC) Sewer Pipe and Fittings	IPC	IRC	IPSDC					
B182.4—02 06	Profile polyvinylchloride (PVC) Sewer Pipe and Fittings	IPC	IRC	IPSDC					
B182.6—02 06	Profile Polyethylene Sewer Pipe and Fittings for Leak-proof Sewer Applications	IPC	IRC						
B182.8—02 06	Profile Polyethylene (PE) Storm Sewer and Drainage Pipe and Fittings	IPC	IRC						
B602—02 05	Mechanical Couplings for Drain, Waste and Vent Pipe and Sewer Pipe.	IPC	IRC	IPSDC					

DOC		United States Department of Commerce							
Standard Reference Number	Title	Referenced in Code(s):							
16 CFR Part 1632- 1999 (2009)	Standard for the Flammability of Mattress and Mattress Pads (FF4-72 Amended)	IFC							
PS 1- 07 09	Structural Plywood	IBC							
PS 2- 04 10	Performance Standard for Wood-based Structural-use Panels	IBC							
DOL		U.S. Department of Labor							
Standard Reference Number	Title	Referenced in Code(s):							
29 CFR Part 1910.1000 (1974) 2009	Air Contaminants	IBC	IFC	IMC					
29 CFR Part 1910.1200 (1999) 2009	Hazard Communication	IFC							
29 CFR Part 1910-1025 (2009)	Toxic and Hazardous Substances	IMC							
DOTn		U.S. Department of Transportation							
Standard Reference Number	Title	Referenced in Code(s):							
49 CFR Parts 100-185-2005	Hazardous Materials Regulations	IBC	IFC						
49 CFR—1998	Specification of Transportation of Explosive and Other Dangerous Articles, UN 0335, UN 0336 Shipping Containers	IBC							
49 CFR Part 172— 2005 2009	Hazardous Materials Tables, Special Provisions, Hazardous Materials Communications, Emergency Response Information and Training Requirements	IFC							
49 CFR Part 173— 2005 2009	Shippers—General Requirements for Shipments and Packagings	IFC							
49 CFR Parts 173.137 - 2005 (2009)	Shippers-General Requirements for Shipments and Packaging-Class 8-Assignment of Packing Group	IBC	IFC						
49 CFR, Parts 192.281(e) & 192.283 (b) - (2009)	Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards	IRC	IFGC						
FEMA		Federal Emergency Management Agency							
Standard Reference Number	Title	Referenced in Code(s):							
FEMA-TB-2- 93 08	Flood Damage -Resistant Materials Requirements	IRC							
FEMA FIA-TB-11-01	Crawlspace Construction for Buildings Located in Special Flood Hazard Areas	IBC	IRC						

GA		Gypsum Association							
Standard Reference Number	Title	Referenced in Code(s):							
GA 600-06 09	Fire Resistance Design Manual, 18th Edition	IBC							
HPVA		Hardwood Plywood and Veneer Association							
Standard Reference Number	Title	Referenced in Code(s):							
ANSI/HP-1-2004 09	Standard for Hardwood and Decorative Plywood	IBC	IRC						

HUD		U.S. Department of Housing and Urban Development							
Standard Reference Number	Title	Referenced in Code(s):							
HUD 24 CFR Part 3280 (4994) 2008	Manufactured Home Construction and Safety Standards	IBC							
ICC		International Code Council							
Standard Reference Number	Title	Referenced in Code(s):							
ICC/ANSI A117-03 2009	Accessible and Usable Buildings and Facilities	IBC	IFC	IZC	IEBC				
ICC 300-07 12	ICC Standard on Bleachers, Folding and Telescopic Seating, and Grandstands	IBC	IFC						
ICC 400-07 12	Standard for the Design and Construction of Log Structures	IRC							
ICC/ANSI A117.1-03-09	Accessible and Usable Buildings and Facilities	IBC	IFC	IZC	IEBC	IRC			
IBC-09 12	International Building Code	IRC	IFC	IMC	IPC	IPSDC	IFGC	IECC	IEBC
ICCPC-09 12	International Performance Code								
IEBC-09 12	International Existing Building Code	IBC	IRC	IFC	IMC	IFGC	IECC	IPMC	
IECC-09 12	International Energy Conservation Code	IBC	IRC	IMC	IPC	IFGC	IEBC		
IFC-09 12	International Fire Code	IBC	IRC	IMC	IPC	IFGC	IECC	IEBC	IPMC
IFGC-09 12	International Fuel Gas Code	IBC	IRC	IFC	IMC	IPC	IECC	IEBC	
IMC-09 12	International Mechanical Code	IBC	IRC	IFC	IPC	IFGC	IECC	IEBC	IPMC
IPC-09 12	International Plumbing Code	IBC	IRC	IFC	IMC	IPSDC	IFGC	IECC	IEBC
IPMC-09 12	International Property Maintenance Code	IBC	IRC	IFC	IEBC				
IPSDC-09 12	International Private Sewage Disposal Code	IBC	IRC	IPC					
IRC-09 12	International Residential Code	IBC	IFC	IMC	IFGC	IEBC	IPC		
IWUIC-09 12	International Wildland-Urban Interface Code	IBC	IFC						
IZC-09 12	International Zoning Code	IPMC							

NAAMM		National Association of Architectural Metal Manufacturers							
Standard Reference Number	Title	Referenced in Code(s):							
FP 1001-07 07	Guide Specification for Design of Metal Flag Poles	IBC							
NAIMA		North American Insulation Manufacturers Association							
Standard Reference Number	Title	Referenced in Code(s):							
AH 116-02 09	Fibrous Glass Duct Construction Standards, Fifth Edition	IMC	IRC						

NFPA		National Fire Protection Association							
Standard Reference Number	Title	Referenced in Code(s):							
10-07 10	Portable Fire Extinguishers	IFC	IBC						
11-05 10	Low-, Medium-, and High-Expansion Foam	IFC	IBC						
12-05 11	Carbon Dioxide Extinguishing Systems	IFC	IBC						
12A-04 09	Halon 1301 Fire Extinguishing Systems	IFC	IBC						
13-07 10	Installation of Sprinkler Systems	IFC	IBC	IRC					
13D-07 10	Installation of Sprinkler Systems in One- and Two Family Dwellings and Manufactured Homes	IFC	IRC	IBC					
13R-07 10	Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height	IFC	IBC	IEBC					
14-07 10	Installation of Standpipe and Hose Systems	IFC	IBC						
15-07 12	Water Spray Fixed Systems for Fire Protection	IFC							
16 - 07 11	Installation of Foam-Water Sprinkler and Foam-Water Spray Systems	IFC	IBC						
17-02 09	Dry Chemical Extinguishing Systems	IFC	IBC						
17A-02 09	Wet Chemical Extinguishing Systems	IFC	IBC						
20-07 10	Installation of Stationary Pumps for Fire Protection	IFC	IBC						
22-03 08	Water Tanks for Private Fire Protection	IFC							
24-07 10	Installation of Private Fire Service Mains and Their Appurtenances	IFC							
25-08 11	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	IFC	IPMC						

30-08 12	Flammable and Combustible Liquids Code	IFC	IBC						
30A-08 12	Code for Motor Fuel Dispensing Facilities and Repair Garages	IFC	IMC	IFGC					
30B-07 11	Manufacture and Storage of Aerosol Products	IFC							
31-06 11	Installation of Oil-Burning Equipment	IFC	IRC	IMC					
32-07 11	Drycleaning Plants	IFC	IBC						
33-07 11	Spray Application Using Flammable or Combustible Materials	IFC							
34-07 11	Dipping and Coating Processes Using Flammable or Combustible Liquids	IFC							
35-05 11	Manufacture of Organic Coatings	IFC							
37-06 10	Installation and Use of Stationary Combustion Engines and Gas Turbines	IMC	IFGC	IBC					
40-07 11	Storage and Handling of Cellulose Nitrate Film	IFC	IBC						
45-04 10	Standard on Fire Protection for Laboratories Using Chemicals	IBC							
51A-06 11	Acetylene Cylinder Charging Plants	IFC							
52-06 10	Vehicular Fuel System Code	IFC							
55-05 10	Standard for the Storage, Use and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationery Containers Cylinders and Tanks	IFC							
58-08 11	Liquefied Petroleum Gas Code	IFC	IBC	IRC	IMC	IFGC			
59A-06 09	Production, Storage and Handling of Liquefied Natural Gas (LNG)	IFC							
70-08 11	National Electrical Code	IFGC	IPC	IEBC	IBC	IWUIC	IFC	IRC	IMC
72-07 10	National Fire Alarm Code	IFC	IBC	IRC	IMC	IEBC			
80-07 10	Fire Doors and Other Opening Protectives	IFC	IBC						
82-04 09	Incinerators, Waste and Linen Handling Systems and Equipment	IMC	IFGC						
85-07 11	Boiler and Construction Systems Hazards Code	IFC	IBC	IRC	IFGC				
86-07 11	Ovens and Furnaces	IFC							
88A-02 11	Parking Structures	IFGC							
91-04 10	Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids	IMC							
92B-05 09	Smoke Management Systems in Malls, Atria, and Large Spaces	IFC	IBC	IMC					
99-05 10	Health Care Facilities	IBC	IFC	IEBC					
101-06 12	Life Safety Code	IBC	IFC	IEBC					
105-07 10	Installation of Smoke Door Assemblies and Other Opening Protectives	IBC	IFC						
110-05 10	Emergency and Standby Power Systems	IFC	IBC						
111-05 10	Stored Electrical Energy Emergency and Standby Power Systems	IFC	IBC						
120-04 10	Fire Prevention and Control in Coal Mines	IFC	IBC						

160-06 11	Flame Effects Before an Audience	IFC							
170-06 09	Standard for Fire Safety and Emergency Symbols	IFC	IBC						
211-06 10	Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances	IMC	IBC	IRC	IFC	IFGC			
241-04 09	Safeguarding Construction, Alteration, and Demolition Operations	IFC							
252-03 12	Standard Methods of Fire Tests of Door Assemblies	IBC							
253-06 11	Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source	IBC							
257-07 12	Standard on Fire Test for Window and Glass Block Assemblies	IBC							
259-03 08	Test Method for Potential Heat of Building Materials	IBC	IRC						
260-03 09	Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture	IFC							
261-03 09	Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes	IFC							
262-07 11	Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces	IMC	IBC						
265-07 11	Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls	IBC	IFC						
268-07 12	Standard Test Method for Determining Ignitability of Exterior Wall Assemblies Using a Radiant Heat Energy Source	IBC							
285-06 11	Method of Test for the Evaluation of Fire Propagation Characteristics of Exterior Non-Load-Bearing Wall Assemblies Containing Combustible Components	IBC							
286-06 11	Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth	IFC	IBC	IRC					
288-07 12	Standard Methods of Fire Tests of Floor Fire Door Assemblies Installed Horizontally Fire-Resistance-Rated Floor Systems	IBC							
303-06 11	Fire Protection Standards for Marinas and Boatyards	IFC	IBC						
407-07 12	Aircraft Fuel Servicing	IFC							
409-04 10	Aircraft Hangers	IFC	IBC						
418-06 11	Heliports	IBC							
430-04 10	Storage of Liquid and Solid Oxidizers	IFC							
484-06 12	Combustible Metals	IFC							
490-02 10	Storage of Ammonium Nitrate	IFC							
495-06 10	Explosive Materials Code	IFC							

498-06 10	Safe Havens and Interchange Lots for Vehicles Transporting Explosives	IFC							
501-05 10	Manufactured Housing	IRC							
505-06 10	Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations	IFC							
654-06 11	Prevention of Fire & Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids	IBC	IFC						
655-07 12	Prevention of Sulfur Fires and Explosions	IBC	IFC						
664-07 12	Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities	IBC	IFC						
701-04 10	Methods of Fire Tests for Flame-Propagation of Textiles and Films	IFC	IBC						
703-06 12	Fire Retardant Treated Wood and Fire Retardant Coatings for Building Materials	IFC							
704-07 12	System for the Identification of the Hazards of Materials for Emergency Response	IFC	IMC	IBC					
750-06 10	Water Mist Fire Protection Systems	IFC							
853-07 10	Installation of Stationary Fuel Cell Power Systems	IMC	IBC	IFGC	IRC				
1123-06 10	Fireworks Display	IFC							
1124-06 12	Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles	IFC	IBC						
1125-07 12	Manufacture of Model Rocket and High Power Rocket Motors	IFC							
1126-06 11	Use of Pyrotechnics Before a Proximate Audience	IFC							
1142-07 12	Water Supply for Suburban and Rural Fire Fighting	IFC							
1620-03 10	Recommended Practice for Pre-Incident Planning	IBC							
2001-08 11	Clean Agent Fire Extinguishing Systems	IFC	IBC						
NFRC		National Fenestration Rating Council Inc.							
Standard Reference Number	Title	Referenced in Code(s):							
100-2004 2009	Procedure for Determining Fenestration Product U-factors	IRC	IECC						
200-2004 2009	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence	IRC	IECC						
400-2004 2009	Procedure for Determining Fenestration Product Air Leakage - Second Edition	IRC	IECC						

NSF		NSF International							
Standard Reference Number	Title	Referenced in Code(s):							
3—2007 2008	Commercial Warewashing Equipment	IPC							
14—2007 2008e	Plastics Piping System Components and Related Materials	IPC	IRC						
40-20002005	Residential Wastewater Treatment Systems	IPSDC							
41-19992005	Non-Liquid Treatment Systems (Composting Toilets)	IPSDC							
42—2007 ae	Drinking Water Treatment Units—Aesthetic Effects	IPC							
44—20002007	Residential Cation Exchange Water Softeners	IPC	IRC						
53—2007a	Drinking Water Treatment Units—Health Effects	IPC	IRC						
58—20062007	Reverse Osmosis Drinking Water Treatment Systems	IPC	IRC						
61—2007 e 2008	Drinking Water System Components—Health Effects	IPC	IRC						
62—20042007	Drinking Water Distillation Systems	IPC							
PCA		Portland Cement Association							
Standard Reference Number	Title	Referenced in Code(s):							
100-07 10	Prescriptive Design of Exterior Concrete Walls for One- And Two- Family Dwellings (Pub. No. EB241)	IRC							
SDI		Steel Deck Institute							
Standard Reference Number	Title	Referenced in Code(s):							
NC1-0-06 10	Standard for Non-Composite Steel Floor Deck	IBC							
RD1-0-06 10	Standard for Steel Roof Deck	IBC							
SJI		Steel Joist Institute							
Standard Reference Number	Title	Referenced in Code(s):							
CJ-1-0-06 CJ-10	Standard Specification for Composite Steel Joists, CJ-Series	IBC							
JG-1.1 (2005) JG-10	Standard Specification for Joist Girders	IBC							
K-1.1 (2005) K-10	Standard Specification for Open Web Steel Joists, K-Series	IBC							
LH/DLH-1.1 (2005) LH/DLH-10	Standard Specification for Longspan Steel Joists, LH Series and Deep Longspan Steel Joists, DLH Series	IBC							

SMACNA		Sheet Metal & Air Conditioning Contractors National Assoc. Inc.							
Standard Reference Number	Title	Referenced in Code(s):							
SMACNA- 85 10	HVAC Air Duct Leakage Test Standard 2010	IECC							
SPRI		Single-Ply Roofing Institute							
Standard Reference Number	Title	Referenced in Code(s):							
ANSI/SPRI/FM4435-ES-1	Wind Design Standard for Edge Systems Used with Low Slope Roofing Systems	IBC							
ANSI/SPRI RP-4- 02 08	Wind Design Guide for Ballasted Single-ply Roofing Systems	IBC							
TIA		Telecommunications Industry Association							
Standard Reference Number	Title	Referenced in Code(s):							
222-G-2005	Structural Standards for Antenna Supporting Structures and Antennas, including - Addendum 1, 222-G-1 Dated 2007 and Addendum 2, 222-G-2 Dated 2009	IBC							
TMS		The Masonry Society							
Standard Reference Number	Title	Referenced in Code(s):							
402- 08 11	Building Code for Masonry Structures	IBC	IRC						
602- 08 11	Specification for Masonry Structures	IBC	IRC						
UL		Underwriters Laboratories							
Standard Reference Number	Title	Referenced in Code(s):							
10A- 1998 2009	Tin Clad Fire Doors with Revisions through March 2003	IBC							
10B- 1997 2008	Fire Tests of Door Assemblies - with Revisions through October 2001 April 2009	IBC							
10C- 1998 2009	Positive Pressure Fire Tests of Door Assemblies with Revisions through November 2004	IBC							
14B- 1998 2008	Sliding Hardware for Standard Horizontally Mounted Tin Clad Fire Doors with Revisions through July 2000	IBC							
14C-2006	Swinging Hardware for Standard Tin Clad Fire Doors Mounted Singly and in Pairs - with revisions through December 2008	IBC							

17-1994	Vent or Chimney Connector Dampers for Oil-Fired Appliances - with Revisions through September 1999	IMC	IRC						
30-04 95	Metal Safety Cans - with Revisions through December 2004	IFC							
80-2004 07	Steel Tanks for Oil-Burner Fuel	IRC							
127-96 08	Factory-Built Fireplaces - with Revisions through November 2006	IMC	IRC	IBC	IFGC				
174-04	Household Electric Storage Tank Water Heaters - with Revisions through November 2005 April 2009	IMC	IRC						
181-2005	Factory-Made Air Ducts and Connectors - <u>with revisions through October 2008</u>	IMC	IRC						
181A-2005	Closure Systems for Use with Rigid Air Ducts - <u>with revisions through February 2008</u>	IMC	IRC						
181B-2005	Closure Systems for Use with Flexible Air Ducts and Air Connectors - <u>with revisions through February 2008</u>	IMC	IRC						
207- 2004 2009	Refrigerant-Containing Components and Accessories, Nonelectrical - with Revisions through November 2004	IMC							
217-2006	Single and Multiple Stations Smoke Alarms - <u>with revisions through May 2007</u> October 2008	IBC	IRC	IFC					
263-2003	Standard for Fire Tests of Building Construction and Materials	IBC	IRC	IMC					
268A- 1998 2008	Smoke Detectors for Duct Application - with Revisions through April 2006	IMC							
300-2005	Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Commercial Cooking Equipment	IBC	IFC						
305-07 97	Panic Hardware - <u>with revisions through January 2007</u>	IBC							
325-2002	Door, Drapery, Gate, Louver and Window Operators and Systems - with Revisions through February 2006 January 2009	IRC	IFC	IBC					
343- 1997 2008	Pumps for Oil-Burning Appliances - with Revisions through May 2006	IMC	IRC						
412-2004	Refrigeration Unit Coolers - with Revisions through February 2007 January 2009	IMC							
471-2006	Commercial Refrigerators and Freezers - with Revisions through March 2006 October 2008	IMC							
508-99	Industrial Control Equipment - with Revisions through July 2005 September 2008	IMC	IPC	IRC					
555-2006	Fire Dampers - <u>with revisions through February 2009</u>	IBC	IMC						
555C-2006	Ceiling Dampers - <u>with revisions through March 2009</u>	IBC	IMC						
555S-1999	Smoke Dampers - with Revisions through July 2006 March 2009	IBC	IMC						

586-1996	High-Efficiency, Particulate, Air Filter Units - with Revisions through August 2004 2008	IMC							
651-05	Schedule 40 and 80 Rigid PVC Conduit and Fittings - with revisions through July 2008	IFGC	IRC						
710B-2004	Recirculating Systems with Revisions through April 2006	IMC	IFC	IBC					
723-03 2008	Standard for Test for Surface Burning Characteristics of Building Materials, with Revisions through May 2005	IBC	IFC	IWUIC	IRC	IMC			
729-03	Oil-Fired Floor Furnaces – with revisions through January 1999 October 2008	IMC	IRC						
730-03	Oil-Fired Wall Furnaces-with revisions through January 1999 October 2008	IMC	IRC						
731-1995	Oil-Fired Unit Heaters with Revisions through February 2006 December 2008	IMC	IECC						
737- 1996 2007	Fireplaces Stoves –with Revisions through January 2000	IMC	IRC						
790-04	Standard Tests Methods for Fire Tests Resistance of Roof Coverings Materials - with revisions through October 2008	IBC	IRC						
793-03 08	Automatically Operated Roof Vents For Smoke and Heat with Revisions through April 2004	IBC	IFC						
834-04	Heating, Water Supply, and Power Boilers - Electric with Revisions through March 2006 April 2009	IRC	IMC						
858-05	Household Electric Ranges - with Revisions through April 2006 November 2007	IMC							
864-03	Standard for Control Units and Accessories for Fire Alarm Systems-with Revisions through March 2006 May 2007	IBC	IFC						
867-00	Electrostatic Air Cleaners-with Revisions through February 2004 December 2007	IMC							
875-04-09	Electric Day Bath Heaters - with Revisions through March 2006	IMC	IRC						
896-1993	Oil-Burning Stoves - with Revisions through May 2004 December 2008	IMC	IRC						
900-04	Air Filter Units - with revisions through November 2007	IMC	IFC						
923- 2002 2008	Microwave Cooking Appliances –with Revisions through February 2006	IMC	IRC						
924-06	Emergency Lighting and Power Equipment - with revisions through January 2009	IBC	IFC						

1040-1996	Fire Test of Insulated Wall Construction - with Revisions through June 2004 <u>September 2007</u>	IBC	IRC						
1240-2005	Electric Commercial Clothes-Drying Equipment	IMC							
1261-2001	Electric Water Heaters for Pools and Tubs - with Revisions through April 2006 <u>May 2008</u>	IMC	IRC						
1313-93	Standard for Nonmetallic Safety Cans for Petroleum Products- with Revisions through May 2003 <u>August 2007</u>	IFC							
1315-95	Standard for Safety for Metal Waste Paper containers- with Revisions through December 2003 <u>August 2007</u>	IFC							
1363-2007	Relocatable Power Taps - with revisions through <u>August 2008</u>	IFC							
1453-04	Electric Booster and Commercial Storage Tank Water Heaters - with Revisions through May 2006 <u>April 2009</u>	IMC	IRC						
1479-03	Fire Tests of Through-Penetration Firestops with Revisions through April 2007 <u>December 2008</u>	IBC	IRC						
1715-1997	Fire Test of Interior Finish Material - with Revisions through March 2004 <u>April 2008</u>	IBC	IRC						
1738-06 1993	Venting Systems for Gas-Burning Appliances, Categories II, III and IV - with revisions through <u>October 2006</u>	IRC	IFGC						
1777-04 2007	Chimney Liners	IMC	IRC	IBC	IFGC				
1812-05 1995	Standard for Ducted Heat Recovery Ventilators - with revisions through January 2006 <u>March 2009</u>	IMC							
1820-2004	Fire Test of Pneumatic Tubing for Flame and Smoke Characteristics - with revisions through <u>February 2009</u>	IMC							
1887-2004	Fire Tests of Plastic Sprinkler Pipe for Visible Flame and Smoke Characteristics-- with revisions through <u>February 2009</u>	IMC							
1897-2004	Uplift Tests for Roof Covering Systems - with revisions through <u>May 2008</u>	IBC							
1978-95 05	Grease Ducts	IMC							
2017-2000 2008	Standards for General-Purpose Signaling Devices and Systems- with Revisions through August 2005 <u>August 2008</u>	IBC	IRC						
2034-2008	Standard for Single and Multiple Station Carbon Monoxide Alarms-- with revisions through <u>February 2009</u>	IRC							

2043-1996 2008	Fire Test for Heat and Visible Smoke Release for Discrete Products and their Accessories Installed in Air-Handling Spaces with Revisions through June 2004	IBC	IMC						
2075-2007 2004	Standard for Gas and Vapor Detectors and Sensors - <u>with revisions through September 2007</u>	IFC							
2079-2004	Tests for Fire Resistance of Building Joint Systems with Revisions through March 2006 <u>June 2008</u>	IBC	IFC						
2158-1997	For Electric Clothes Dryers - with Revisions through May 2004 <u>March 2009</u>	IMC							
2200-04 98	Stationary Engine Generator Assemblies with Revisions through July 2004	IBC	IFC	IMC	IFGC				
WDMA	Window and Door Manufacturers Association								
Standard Reference Number	Title	Referenced in Code(s):							
AAMA/WDMA/CSA 101/i.S.2/A440-08 11	North American Fenestration	IBC	IRC	IECC					
<p>Reason: <i>The CP 28 Code Development Policy, Section 4.5.1 requires the updating of referenced standards to be accomplished administratively, and be processed as a Code Change Proposal for consideration by the Administrative Code Change Committee. In May 2009, a letter was sent to each developer of standards that is referenced in the International Codes, asking them to provide ICC with a list of their standards in order to update to the current edition. Above is the list of the referenced standards that are to be updated based upon responses from standards developer</i></p> <p>Public Hearing: Committee: AS AM D Assembly: ASF AMF DF</p>									