

Chapter 1: Scope and Administration

General Comments

This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Section 101 addresses the scope of the code and references the other *International Codes*[®] that are mentioned elsewhere in the code. Section 102 establishes the applicability of the code and addresses existing structures.

Section 103 establishes the department of building safety and the appointment of department personnel. Section 104 outlines the duties and authority of the building official with regard to permits, inspections and right of entry. It also establishes the authority of the building official to approve alternative materials, used materials and modifications. Section 105 states when permits are required and establishes the procedures for the review of applications and the issuance of permits. Section 106 provides requirements for posting live loads greater than 50 pounds per square foot (2394 Pa) (psf). Section 107 describes the information that must be included on the construction documents submitted with the application. Section 108 authorizes the building official to issue permits for temporary structures and uses. Section 109 establishes requirements for a fee schedule. Section 110 includes inspection duties of the building official or an inspection agency that has been approved by the building official. Provisions for the issuance of certificates of occupancy are detailed in Section 111. Section 112 gives the building official the authority to approve utility connections. Section 113 establishes the board of appeals and the criteria for making applications for appeal. Administrative provisions for violations are addressed in Section 114, including provisions for unlawful acts, violation notices, prosecution and penalties. Section 115 describes procedures for stop work orders. Section 116 establishes the criteria for unsafe structures and equipment and the procedures to be followed by the building official for abatement and for notification to the responsible party.

Each state's building code enabling legislation, which is grounded within the police power of the state, is the source of all authority to enact building codes. In terms of how it is used, police power is the power of the state to legislate for the general welfare of its citizens. This power enables passage of such laws as building codes. If the state legislature has limited this power in any way, the municipality may not exceed these limitations. While the municipality may not further delegate its police power (e.g., by delegating the burden of determining code com-

pliance to the building owner, contractor or architect), it may turn over the administration of the building code to a municipal official, such as a building official, provided that sufficient criteria are given to establish clearly the basis for decisions as to whether or not a proposed building conforms to the code.

Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the building performance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably hope to demonstrate that "equal protection under the law" has been provided. While it is generally assumed that the administration and enforcement section of a code is geared toward a building official, this is not entirely true. The provisions also establish the rights and privileges of the design professional, contractor and building owner. The position of the building official is merely to review the proposed and completed work and to determine if the construction conforms to the code requirements. The design professional is responsible for the design of a safe structure. The contractor is responsible for constructing the structure in compliance with the plans.

During the course of construction, the building official reviews the activity to ascertain that the spirit and intent of the law are being met and that the safety, health and welfare of the public will be protected. As a public servant, the building official enforces the code in an unbiased, proper manner. Every individual is guaranteed equal enforcement of the provisions of the code. Furthermore, design professionals, contractors and building owners have the right of due process for any requirement in the code.

Purpose

A building code, as with any other code, is intended to be adopted as a legally enforceable document to safeguard health, safety, property and public welfare. A building code cannot be effective without adequate provisions for its administration and enforcement. The official charged with the administration and enforcement of building regulations has a great responsibility, and with this responsibility goes authority. No matter how detailed the building code may be, the building official must, to some extent, exercise his or her own judgement in determining code compliance. The building official has the responsibility to establish that the homes in which the citizens of the community reside and the buildings in which they work are designed and constructed to be structurally stable with adequate means of egress, light and ventilation and to provide a minimum acceptable

level of protection to life and property from fire.

Chapter 1 contains two parts. Part 1, Scope and Application, contains all issues related to the scope and intent of the code, as well as the applicability of this code relative to other standards and laws that might also be appli-

cable on a given building project, such as federal or state. Part 2, Administration and Enforcement, contains all issues related to the duties and powers of the building official, the issuance of permits and certificates of occupancy, and other related operational items.

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.”

❖ The purpose of this section is to identify the adopted regulations by inserting the name of the adopting jurisdiction into the 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* above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *International Residential Code*.

❖ This section establishes when the regulations contained in the code must be followed, whether all or in part. Something must happen (construction of a new building, modification to an existing one or allowing an existing building or structure to become unsafe) for the code to be applicable. While such activity may not be as significant as a new building, a fence is considered a structure and, therefore, its erection is within the scope of the code. The building code is not a maintenance document requiring periodic inspections that will, in turn, result in an enforcement action, although periodic inspections are addressed by the *International Fire Code*® (IFC®).

The exception mandates that detached one- and two-family dwellings and townhouses that are not more than three stories above grade and have separate means of egress are to comply with the *International Residential Code*® (IRC®) and are not required to comply with this code. This applies to all such structures, whether or not there are lot lines separating them and also to their accessory structures, such as garages and pools. Such structures four stories or more in height are beyond the scope of the IRC and must comply with the provisions of the code and its referenced codes.

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

❖ The provisions contained in Appendices A through K are not considered part of the code and are, therefore, not enforceable unless they are specifically included in the ordinance or other adopting law or regulation of the jurisdiction. See Section 1 of the sample ordinance on page xv of the code for where the appendices to be adopted are to be specified in the adoption ordinance.

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.

❖ The intent of the code is to set forth regulations that establish the minimum acceptable level to safeguard public health, safety and welfare and to provide protection for fire fighters and emergency responders in building emergencies. The intent becomes important in the application of such sections as Sections 102, 104.11 and 114 as well as any enforcement-oriented interpretive action or judgement. Like any code, the written text is subject to interpretation. Interpretations should not be affected by economics or the potential impact on any party. The only considerations should be protection of public health, safety and welfare and emergency responder safety.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

❖ The International Code Council® (ICC®) promulgates a complete set of codes to regulate the built environment. These codes are coordinated with each other so as to avoid conflicting provisions. When the code is adopted by a jurisdiction, the codes that regulate a building’s electrical, fuel gas, mechanical and plumbing systems are also included in the adoption and are considered a part of the code. The *International Property Maintenance Code*® (IPMC®) and the IFC are also referenced and enable the building official to address unsafe conditions in existing structures. Various other sections of the code also specifically refer to these codes. Note that these codes are listed in Chapter 35

and further identified by the specific year of issue. Only that edition of the code is legally adopted and any future editions are not enforceable. The issuance of new editions of all the *International Codes*® occurs concurrently and new editions of the referenced codes are adopted with each new edition of the code. Adoption is done in this manner so that there are not conflicting provisions in these codes.

101.4.1 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.

❖ The *International Fuel Gas Code*® (IFGC®) regulates gas piping and appliances and is adopted by reference from this section, as well as Section 2801.1, as the enforceable document for regulating gas systems. This section also establishes the scope of the IFGC as extending from the point of delivery to the inlet connections of each gas appliance. The “Point of delivery” is defined in the IFGC as the outlet of the service meter, regulator or shutoff valve.

101.4.2 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.

❖ The *International Mechanical Code*® (IMC®) regulates all aspects of a building’s mechanical systems, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems and is adopted by reference from this section, as well as Section 2801.1, as the enforceable document for regulating these systems.

101.4.3 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.

❖ The *International Plumbing Code*® (IPC®) regulates the components of a building’s plumbing system, including water supply and distribution piping; sanitary and storm drainage systems; the fixtures and appliances connected thereto and medical gas and oxygen systems and is adopted by reference from this section, as well as Section 2901.1, as the enforceable document for regulating these systems. The *International Private Sewage Disposal Code*® (IPSDC®) is also adopted as the enforceable document for regulating on-site sewage disposal systems.

101.4.4 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.

❖ The applicability of the code to existing structures is set forth in Section 101.2 and Chapter 34 and is generally limited to new work or changes in use that occur in these buildings. The IPMC, however, is specifically intended to apply to existing structures and their premises and provides a jurisdiction with an enforceable document for public health, safety and welfare when occupying all buildings, including those that were constructed prior to the adoption of the current building code.

101.4.5 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.

❖ The IFC contains provisions for safeguarding structures and premises from the hazards of fire and explosion that result from: materials, substances and operations that may be present in a structure; circumstances that endanger life, property or public welfare and the modification or removal of fire suppression and alarm systems. Many of the provisions contained in the code, especially in Chapters 9 and 10, also appear in the IFC. So that all the *International Codes* contain consistent provisions, only one development committee is responsible for considering proposed changes to such provisions and that committee is identified by a letter designation in brackets that appears at the beginning of affected sections. This is described more fully in the preface to the codes. The IFC also contains provisions that are specifically applicable to existing structures and uses and, like the IPMC, provides a jurisdiction with an enforceable document for public health, safety and welfare in all buildings.

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

❖ The *International Energy Conservation Code*® (IECC®) contains provisions for the efficient use of energy in building construction by regulating the design of building envelopes for thermal resistance and low air leakage and the design and selection of mechanical systems for effective use of energy and is adopted by reference in this section, as well as Section 1301.1.1, as the enforceable document for regulating these systems.