

# IEBC<sup>®</sup>

## CODE AND COMMENTARY

*The complete **IEBC** with corresponding commentary after each section*

# 2021



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# PREFACE

The principal purpose of the Commentary is to provide a basic volume of knowledge and facts relating to building construction as it pertains to the regulations set forth in the 2021 *International Existing Building Code*. The person who is serious about effectively designing, constructing and regulating existing buildings and structures will find the Commentary to be a reliable data source and reference to almost all components in the built environment.

Throughout all of this, strenuous effort has been made to keep the vast quantity of material accessible and its method of presentation useful. With a comprehensive yet concise summary of each section, the Commentary provides a convenient reference to regulations applicable to the construction of buildings and structures. In the chapters that follow, discussions focus on the full meaning of application and the consequences of not adhering to the code text. Illustrations and examples are provided to aid understanding; they do not necessarily illustrate the only methods of achieving code compliance.

The format of the Commentary includes the full text of each section, table and figure in the code, followed immediately by the commentary applicable to that text. At the time of printing, the Commentary reflects the most up-to-date text of the 2021 *International Existing Building Code*. As stated in the preface to the *International Existing Building Code*, the content of sections in the code that begin with a letter designation (e.g., Section [BS] 1006.1) are maintained by another code development committee. Each section's narrative includes a statement of its objective and intent, and usually includes a discussion about why the requirement commands the conditions set forth. Code text and commentary text are easily distinguished from each other. All code text is shown as it appears in the *International Existing Building Code*, and all commentary is indented below the code text and begins with the symbol ❖.

Readers should note that the Commentary is to be used in conjunction with the *International Existing Building Code* and not as a substitute for the code. The Commentary is advisory only; the code official alone possesses the authority and responsibility for interpreting the code.

Comments and recommendations are encouraged, for through your input, we can improve future editions. Please direct your comments to the Code and Standards Department.

*The International Code Council would like to extend its thanks to Marilyn Kaplan, Rebecca Quinn and the Structural Engineers Association of California (SEAOC) whose help as contributing authors made this document possible.*

For the complete errata history of this code, please visit: <https://www.iccsafe.org/errata-central/>

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# Chapter 1: Scope and Administration

## General Comments

This chapter contains provisions for the scope and application (Part 1), and the enforcement and administration (Part 2) of subsequent requirements of the code. In addition to establishing the scope of the code, the chapter identifies which buildings and structures come under its purview. Part 1, Scope and Application, includes Sections 101 and 102. Section 101 addresses the scope of the code as it applies to existing structures undergoing repairs, alterations, change of occupancy and additions or relocation. Section 102 establishes the applicability of the code and addresses existing structures. Part 2, Administration and Enforcement, includes the balance of the provisions of Chapter 1. Section 103 establishes the Code Compliance Agency and details the appointment of department personnel. Section 104 outlines the duties and authority of the code official with regard to permits, inspections and right of entry. It also establishes the authority of the code official to approve alternative materials, used materials and modifications. Section 105 states where permits are required and establishes the procedures for reviewing applications and issuing permits. Section 106 describes the information that must be included on the documents submitted with the application. Section 107 authorizes the code official to issue permits for temporary structures and uses. Section 108 establishes requirements for a fee schedule. Section 109 includes the inspection duties of the code official and the inspection agency that has been approved by the code official. Provisions for issuing certificates of occupancy are detailed in Section 110. Section 111 gives the code official the authority to approve utility connections. Section 112 establishes the board of appeals and the criteria for making applications for appeal. Administrative provisions for violations are addressed in Section 113, including provisions for unlawful acts, violation notices, prosecution and penalties. Section 114 describes procedures for stop work orders. Section 115 establishes the criteria for unsafe structures and equipment, and the procedures to be followed by the code official to abate such conditions and notify the responsible party. Section 116 describes the emergency measures that address structures in danger of collapse. Section 117 authorizes the code official to have structures demolished that are dangerous to life, sanitary or otherwise unfit for human habitation or occupancy.

Each state's building-code-enabling legislation, which is grounded in the police power of the state, is the source of all authority to enact building codes. In terms of how it is exercised, 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 (for example, by delegating the burden of determining code compli-

ance to the building owner, contractor or architect), it may turn over the administration of the building code to a municipal official, such as a code official, provided that sufficient criteria are given to the code official to establish clearly the basis for decisions as to whether a proposed building conforms to the code.

The chapter 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 code 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 code official, the provisions also establish the rights and privileges of the design professional, contractor and building owner. The position of the code 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 conformance to the plans.

During the course of construction, the code 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 code official enforces the code in an unbiased, proper manner. Every individual is guaranteed equal enforcement of the provisions of the code. Further, design professionals, contractors and building owners have the right of due process for any requirement in the code.

## Purpose

The IEBC, as with any other I-Code, is intended to be adopted as a legally enforceable document provide a reasonable level of safety, and protection of public health, general welfare and property. A building code cannot be effective without adequate provisions for its administration and enforcement. The code 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 code official must, to some extent, exercise his or her own judgment in determining code compliance. The code 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, accessibility, light and ventilation, and to provide a minimum acceptable level of protection to life and property from fire.

A large number of existing buildings and structures do not comply with the current building code requirements for new construction. Although many of these buildings