

# 2012 IPMC<sup>®</sup>

## CODE AND COMMENTARY

The complete IPMC with  
commentary after each section



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## 2 CODE AND COMMENTARY



2012 International Property Maintenance Code® Commentary

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# PREFACE

The principal purpose of the Commentary is to provide a basic volume of knowledge and facts relating to existing structures as it pertains to the regulations regarding property maintenance set forth in the 2012 *International Property Maintenance Code*. The person who is serious about effectively regulating property maintenance will find the Commentary to be a reliable data source and reference to almost all aspects of property maintenance.

As a follow-up to the *International Property Maintenance Code*, we offer a companion document, the *International Property Maintenance Code Commentary*. The basic appeal of the Commentary is thus: it provides in a small package and at reasonable cost thorough coverage of many issues likely to be dealt with when using the *International Property Maintenance Code*—and then supplements that coverage with historical and technical background. Reference lists, information sources, and bibliographies are also included.

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 for property maintenance regulations. In the chapters that follow, discussions focus on the full meaning and implications of the code text. Guidelines suggest the most effective method of application, and the consequences of not adhering to the code text. Illustrations are provided to aid understanding; they do not necessarily illustrate the only method of achieving code compliance.

The format of the Commentary includes the full text of each section, table and figure of the code, followed immediately by the commentary applicable to that text. As stated in the preface of the 2012 *International Property Maintenance Code*, the content of sections in the code that begin with a letter designation (i.e., [P]502.1) 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 Property Maintenance 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 Property Maintenance 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 Codes and Standards Development Department at the Chicago District Office.

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# Chapter 1: Scope and Administration

## General Comments

The law of building regulation is grounded on the police power of the state. This power is the source of all authority to enact building regulations. 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 the passage of laws such as a property maintenance code. It is from the police power delegated by the state legislature that local governments are able to enact building regulations. 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 compliance to the building owner, contractor or architect), it may turn over the administration of building regulations to a municipal official, such as a code official, provided that he or she is given sufficient criteria to clearly establish 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 provisions 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 administrative and enforcement sections of a code are geared toward the responsibilities of the code official, the provisions also establish the rights and privileges of the design professional, contractor and building owner.

## Purpose

Chapter 1 establishes the necessary legal basis for enforcement of the code by the authority having jurisdiction. All of the police powers inherent in enforcing minimum standards for the use and maintenance of buildings must follow the line of authority, from the U.S. Constitution to the state to the actual enforcer. Chapter 1 defines the role and responsibilities of the authority having jurisdiction. To protect all parties from an unfair enforcement action, this chapter also sets forth the due process that requires corrective actions to be accomplished in a constitutional manner. Police powers are not unlimited, and this chapter identifies those limitations.

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## PART 1—SCOPE AND APPLICATION

### SECTION 101 GENERAL

❖ This section sets forth the scope and intent of the code as it applies to existing structures.

[A] **101.1 Title.** These regulations shall be known as the *International Property Maintenance 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.

[A] **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 exist-

ing structures and *premises*, and for administration, enforcement and penalties.

❖ This section establishes the broad purpose of the code—to protect the public health, safety and welfare in both existing residential and nonresidential structures and on all existing premises.

Four specific areas are addressed in greater detail in subsequent sections:

- Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.
- Fixing responsibility among owners, operators and occupants for following the code.
- Regulating the use of existing structures and premises.
- Providing for administration, enforcement and penalties.

These four categories provide communities with the tools to reduce risks created by deteriorated or unsafe buildings and help communities upgrade and maintain other existing structures.

[A] **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure 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.

❖ The code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The code requires existing structures and premises that are not in compliance with the code to be altered or repaired to meet the code. The code requirements are intended to represent the minimum acceptable level of public health and safety. As required in Section 102.3, repairs and alterations need to comply with several *International Codes*<sup>®</sup> (I-Codes<sup>®</sup>), including the *International Building Code*<sup>®</sup> (IBC<sup>®</sup>).

[A] **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.

❖ Only invalid sections of the code (as established by the court of jurisdiction) can be set aside. This is essential to safeguard the application of the code text to situations whereby a provision of the code is declared illegal or unconstitutional. This section would preserve the legislative action that put the legal provisions in place.

## SECTION 102 APPLICABILITY

❖ This section sets forth the administrative provisions for applying the code to various conditions related to its application.

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall 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 requirements, the most restrictive shall govern.

❖ The most restrictive requirement is to apply where there may be different requirements in the code for a specific situation. In cases where the code establishes a specific requirement for a certain condition, that requirement is applicable even if it is less restrictive than a general requirement mentioned elsewhere in the code.

[A] **102.2 Maintenance.** Equipment, systems, devices and standards 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*.

❖ This section contains general maintenance requirements. The code specifically prohibits the discontinuation of any required utilities for an occupied dwelling. This helps to safeguard persons who have a physical condition and are dependent on these systems. Some examples of this include: a person who has to have electricity to power a kidney dialysis machine; a patient who is on an oxygen system full time; or someone with particularly bad allergies who needs to have an air-conditioning system to help filter the air. Any safety system that exists in a building must be maintained. A fire protection or safety system is not to be removed from a building if it is required by the code or a previous regulation or code that was in effect when the building was built. This section also specifies that the owner or the owner's agent is responsible for maintenance, not the tenants of rental property.

[A] **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 Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential 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*.

❖ Repairs, additions or alterations are to be done as required by the *International Building Code*<sup>®</sup> (IBC<sup>®</sup>), *International Energy Conservation Code*<sup>®</sup> (IECC<sup>®</sup>), *International Fire Code*<sup>®</sup> (IFC<sup>®</sup>), *International Fuel Gas Code*<sup>®</sup> (IFGC<sup>®</sup>), *International Mechanical Code*<sup>®</sup> (IMC<sup>®</sup>), *International Residential Code*<sup>®</sup> (IRC<sup>®</sup>) and the *International Plumbing Code*<sup>®</sup> (IPC<sup>®</sup>). Chapter 34 of the IBC contains provisions for repairs, alterations and additions, all of which are not in the scope of the code. It is the intent of the *International Property Maintenance Code*<sup>®</sup> (IPMC<sup>®</sup>) not to affect any of the requirements in the *International Zoning Code*<sup>®</sup> (IZC<sup>®</sup>).

[A] **102.4 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 insanitary.

❖ Section 110 establishes one set of criteria and procedures that may be used to demolish dangerous, unsafe or insanitary buildings. This section permits a jurisdiction to continue to use any remedies already adopted for demolishing buildings. In essence, a