

Existing Structures and Buildings

(With MUBEC amendments included)

International Residential Code 2009

R102.7 Existing structures. The legal occupancy of any structure 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 *NFPA#1; Fire codes and standards adopted pursuant to Title 25; Section 2452 and 2465*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

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.

International Building Code 2009

3401.1 Scope. The provisions of this chapter shall control the *alteration*, repair, *addition* and change of occupancy of existing structures.

Exception: Existing *bleachers*, grandstands and folding and telescopic seating shall comply with ICC 300-02.

3401.2 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the *building official* shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

3401.3 Compliance. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the *NFPA#1; Fire codes and standards adopted pursuant to Title 25; Section 2452 and 2465*, *NFPA 54 National Fuel Gas Code: Fire safety codes and standards adopted pursuant to Title 25 section 2452 and 2465*, *Maine State Plumbing Code, adopted pursuant to Title 32, section 3404-B*, *Maine State Plumbing Code, adopted pursuant to Title 32, section 3404-B*, *International Residential Code* and NFPA 70.

3401.4 Building materials. Building materials shall comply with the requirements of this section.

3401.4.1 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building code official to be dangerous to life, health or safety. Where such conditions are determined to be dangerous to life, health or safety, they shall be mitigated or made safe.

3401.4.2 New and replacement materials. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided no hazard to life, health or property is created. Hazardous materials shall not be used where the code for new construction would not *permit* their use in buildings of similar occupancy, purpose and location.

3401.4 Alternative compliance. Work performed in accordance with the *International Existing Building Code* shall be deemed to comply with the provisions of this chapter.

International Existing Building Code 2009

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

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 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 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.

101.4.1 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.

101.4.2 Buildings previously occupied. The legal occupancy of any building 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 *NFPA#1; Fire codes and standards adopted pursuant to Title 25; Section 2452 and 2465*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

101.4.3 No provision of the MUBEC shall be construed to prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth provisions for local enforcement of building codes. Such ordinances may include items such as, permits, permit fees, boards of appeals and violations.

101.5 Compliance methods. The *repair, alteration, change of occupancy, addition* or relocation of all *existing buildings* shall comply with one of the methods listed in Sections 101.5.1 through 101.5.3 **as selected by the applicant**. Application of a method shall be the sole basis for assessing the compliance of work performed under a single permit unless otherwise approved by the *code official*. Sections 101.5.1 through 101.5.3 shall not be applied in combination with each other. Where this code requires consideration of the seismic- force-resisting system of an *existing building* subject to *repair, alteration, change of occupancy, addition* or relocation of *existing buildings*, the seismic evaluation and design shall be based on Section 101.5.4 regardless of which compliance method is used.

Exception: Subject to the approval of the *code official*, *alterations* complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code unless the building is undergoing more than a limited structural *alteration* as defined in Section 807.5.3. New structural members added as part of the *alteration* shall comply with the *International Building Code*. *Alterations* of *existing buildings* in *flood hazard areas* shall comply with Section 601.3.

101.5.1 Prescriptive compliance method. *Repairs, alterations, additions* and changes of occupancy complying with Chapter 3 of this code in buildings complying with the *NFPA#1; Fire codes and standards adopted pursuant to Title 25; Section 2452 and 2465* shall be considered in compliance with the provisions of this code.

101.5.2 Work area compliance method. *Repairs, alterations, additions, changes* in occupancy and relocated buildings complying with the applicable requirements of Chapters 4 through 12 of this code shall be considered in compliance with the provisions of this code.

101.5.3 Performance compliance method. *Repairs, alterations, additions, changes* in occupancy and relocated buildings complying with Chapter 13 of this code shall be considered in compliance with the provisions of this code.