Notice of Agency Rule-making Proposal

AGENCY: Office of State Fire Marshal, Bureau of Building Codes and Standards


PROPOSED RULE NUMBER (leave blank; to be assigned by Secretary of State):

BRIEF SUMMARY: This rule adopts the 2015 International Residential Code. This rule was amended to conform to a change in the statute that allows towns below 4,000 residents to adopt the building code, the energy code, or both building and energy codes. It also raises the threshold for municipal enforcement to 4,000 residents. The rule also reduces the allowable void spaces within a home to no more than 500 square feet. This rule also defines the use of a rooming and lodging facility to bring this code into compliance with the Life Safety Code. This rule also expands compliance options for townhomes. This rule also includes Appendix V which defines the requirements for Tiny Homes.

Date, time and location of PUBLIC HEARING (if any): September 18, 2017, Champlain conference room, Department of Public Safety, 45 Commerce Drive, Augusta, Maine 04333 @ 9 a.m.

COMMENT DEADLINE: September 28, 2017

CONTACT PERSON FOR THIS FILING (include name, mailing address, telephone, fax, TTY, e-mail): Michelle Mason Webber, Sr. Planning and Research Analyst, 52 State House Station, Augusta, ME 04333-0052, phone: 207-626-3873, email: michelle.mason@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different): Richard McCarthy, Assistant State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, phone: 207-626-3886, richard.mccarthy@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): Towns below 4,000 residents would no longer be required to enforce the building and energy code.

STATUTORY AUTHORITY FOR THIS RULE: 10 M.R.S. §9722

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

AGENCY WEBSITE: http://maine.gov/dps/fmo/laws/proposedrulemaking.html

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: michelle.mason@maine.gov

* Check one of the following two boxes.

X The summary provided above is for publication in both the newspaper and website notices.

☐ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.

__________________________________________________________
APPROVED FOR PAYMENT ___________________________ DATE:________________________

(authorized signature)

FUND   AGENCY   ORG   APP   JOB   OBJT   AMOUNT
014     016A     1300

Chapter 5: MAINE UNIFORM BUILDING AND ENERGY CODE AND MAINE UNIFORM BUILDING CODE - RESIDENTIAL BUILDING CODE FOR ONE AND TWO-FAMILY DWELLINGS IN MAINE

SUMMARY: This chapter establishes the Residential Building code component of the Maine Uniform Building and Energy Code (“MUBEC”) and the Maine Uniform Building Code (“MUBC”). The provisions of this chapter are based on a nationally recognized model building code published by the International Code Council, Inc., and is made part of the MUBEC and MUBC through incorporation by reference. This chapter also contains requirements for the enforcement of the Residential Building code by local building officials in municipalities with a population of more than 4,000 residents.

SECTION 1. PURPOSE AND SCOPE

All building construction in Maine, with some exceptions, is within a municipality of over 4,000 inhabitants shall be governed by the MUBEC, which is All other municipalities shall be governed by the MUBEC or the MUBC as adopted by the municipality. These codes are adopted by the Technical Building Codes and Standards Board pursuant to 10 M.R.S. Chapter 1103. The primary objective of the Board is to establish a uniform building code throughout the State of Maine.

This chapter sets forth the standards for residential construction for one and two-family dwellings that are part of the MUBEC and MUBC. It applies 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 above grade plane in height with a separate means of egress and their accessory structures.

SECTION 2. AUTHORITY

The authority for this Chapter is 10 M.R.S. §9722, which provides that the Maine Technical Building Codes and Standards Board shall promulgate rules which adopt, amend, and maintain the Maine Uniform Building and Energy Code and the Maine Uniform Building Code. A municipality will have up to 90 days after the effective date of this rule to begin enforcement under the 2015 code.

SECTION 3. DEFINITIONS


4. **MUBC.** “MUBC” means Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

5.4. **Technical Building Codes and Standards Board.** “Technical Building Codes and Standards Board” means the board established pursuant to 5 M.R.S. §12004-G, subsection 5-A and 10 M.R.S. §9722.

SECTION 4: INCORPORATION BY REFERENCE

1. The following Chapters of the 2009 2015 International Residential Code, published by the International Code Council, Inc., in effect on June 1, 2010, are hereby adopted and incorporated by reference:
   
   A. Chapters 1 - 10
   B. Chapters 12 - 19
   C. Chapter 23
   D. Chapter 41
   E. Chapter 42
   F. Chapter 44
   G. **Appendix G**
   H. **Appendix V-As Attached**

2. The following Chapters, and all appendices, of the IRC are specifically excluded from adoption:
   
   A. Chapter 11 Energy Efficiency
   B. Chapter 20 Boilers and Water Heaters
   C. Chapter 21 Hydronic Piping
   D. Chapter 22 Special Piping and Storage Systems
   E. Chapter 24 Fuel Gas
   F. Chapter 25 Plumbing Administration
   G. Chapter 26 General Plumbing Requirements
   H. Chapter 27 Plumbing Fixtures
   I. Chapter 28 Water Heaters
   J. Chapter 29 Water Supply and Distribution
   K. Chapter 30 Sanitary Drainage
   L. Chapter 31 Vents
   M. Chapter 32 Traps
   N. Chapter 33 Storm Drainage
   O. Chapter 34 General Requirements
   P. Chapter 35 Electrical Definitions
   Q. Chapter 36 Services
   R. Chapter 37 Branch Circuit and Feeder Requirements
   S. Chapter 38 Wiring Methods
   T. Chapter 39 Power and Lighting Distribution
SECTION 5. REVISIONS TO THE IRC

The following additions, insertions, deletions, and other changes are hereby made to the 2009 2015 International Residential Code:

1. Generally all sections

   Delete “International Mechanical Code”

   Insert “applicable state codes and statues”

2. Section R101.1

   Delete [NAME OF JURISDICTION]; and

   Insert “State of Maine” in its place.

3. Section R101.2

   Delete under Exception: “complying with the requirements of Section 419 of the International Building Code”

   Delete under Exception: “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.”

   Delete exception 1 in its entirety

   Insert “Live work units as defined in the International Building Code shall be permitted and constructed in accordance with The International Residential Code for One and Two Family Dwellings.”

   Delete Exception 2 in its entirety

   Insert “One and two family dwellings that house more than 3 outsiders in rented rooms shall be considered an R-1 use group. One and two family dwellings housing 3 or less outsiders in rented rooms shall be permitted and constructed in accordance with The International Residential Code for One and Two Family Dwellings.”

4. Section R102.2.1

   Insert “No provisions of the MUBEC or MUBC 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.”

5. Section R102.7
Delete “International Property Maintenance Code or the International Fire Code”; and
Insert “NFPA #1; Fire and Safety Codes and standards adopted pursuant to Title 25, M.R.S. §§2452 and 2465” in its place.

6.5. Section R103

Delete Section R103 ‘Department of Building Safety’ in its entirety, without substitution.

6. Sections R104, R105, R106, R107, R109, R110, R111, and R114 and any amendments thereto shall only be applicable:

A. In a municipality with a population of 2,000 or more residents, beginning:
   (1) No later than December 1, 2010, if the municipality had previously adopted any building code on or before August 1, 2008; or
   (2) No later than July 1, 2012, if the municipality had not adopted any building code on or before August 1, 2008.

B. In a municipality with a population of less than 2,000 residents, if the municipality voluntarily elects to enforce the MUBEC.

7. Section R104.8

Delete all language in Section R104.8; and
Insert “See 14 M.R.S. §8101” in its place.

8. Section R105.1

Insert “where required by municipal ordinance.” at the end of the paragraph.

9. Section R105.2

Insert “Structures exempt from permits shall be located in compliance with zoning and floodplain regulations.” at the end of the paragraph.

9.40. Section R105.3

Delete “department of building safety” in the first paragraph; and
Insert “municipality” in its place.

10.44. Section R105.3.1

Delete “within a reasonable time after filing”
Insert “in accordance with 30A M.R.S. §4103”

11.42. Section R105.3.1.1

Delete “finding shall be provided to the board of appeals for a determination of substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage”; and
Insert “Building Official” in its place.

12.13. Section R108

Delete Section R108 “Fees” in its entirety, without substitution.

13.14. Sections R112 and R113

Delete Section R112 “Board of Appeals” and Section R113 “Violations” in their entirety, without substitution.

14.15. Section R202

Delete “Conditioned space: Fore energy purposes, space within a building that is provided with heating and/or cooling equipment of systems capable of maintaining, through design or heat loss/gain 50°F (10°C) during the heating season and 85°F (29°C) during the cooling season, or communicates directly with a conditioned space. For mechanical purposed, an area, room or space being heated or cooled by any equipment or appliance”

Insert “An area or room within a building being heated or cooled, containing un-insulated ducts, or with a fixed opening directly into an adjacent conditioned space.” in its place.

15. Section 302.2

Delete Section 302.2 in its entirety

Insert Section 302.2 as follows:

Townhouses. Common walls separating townhouses shall be assigned a fire resistance rating in accordance with section R302.2, item 1,2 or 3. The common wall shared by two townhouses shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing.

A. Where a fire sprinkler in accordance with NFPA 13D is provided the common wall shall be not less than a 2-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263.

B. Where a fire sprinkler is not provided the common wall shall not be less than a 2-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 and meeting the requirements of NFPA 221 as a fire wall.

C. Where a fire sprinkler in accordance with section NFPA 13R is provided the common wall shall be not less than a 1-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263.

16. Section 302.12

Delete Section R 302.12 in its entirety
Insert Section R302.12 as follows:

Draftstopping shall be provided in one and two residential family combustible lightweight assembly construction where there are concealed voids or interstitial spaces above or below a floor/ceiling assembly components, such as but not limited to attics, mansards, overhangs or other concealed spaces. Draftstops shall be installed so that the area of any concealed or void space does exceed 500 sq.ft. Draftstops shall be installed so that the area of any concealed space into approximately equal areas. Draftstopping shall be installed above, and in line with, sleeping unit and dwelling unit separation walls that do not extend to the underside of the roof sheathing above. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

A. Ceiling is suspended under the floor framing
B. Floor framing is constructed of truss-type open-web or perforated members

Exceptions:

A. Where corridor walls provide a sleeping unit or dwelling unit separation, draftstopping shall only be required above one of the corridor walls.
B. Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with IBC Section 903.3.1.1.
C. Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with IBC Section 903.3.1.2 provided that automatic sprinklers are also installed in the combustible concealed space, where the draftstopping is being omitted.

17.16. Section R310.1, First Exception

*Insert* “if the dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with R313.” at the end of the first exception.

18.17. Section R310.1.1.2

*Delete* “Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m²).”

19. Section 310.2.3

*Insert* “window wells shall be maintained free and clear at all times”

20.18. Section R313.2

*Delete* Section R313.2 in its entirety.

*Insert* (IRC) R501.3 Fire protection of floors, Floor assemblies, not required elsewhere in this code to be fire resistance rated, shall be provided with a ½ inch gypsum wallboard
membrane, 5/8 inch wood structural panel membrane, or equivalent on the underside of the floor framing member.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section NFPA 13D, or other approved equivalent sprinkler system.

2. Floor assemblies located directly over a crawl-space not intended for storage or fuel-fired appliances.

3. Portions of floor assemblies can be unprotected when complying with the following:
   
   3.1 The aggregate area of the unprotected portions shall not exceed 80 square feet per story.
   
   3.2 Fire blocking in accordance with Section R302.11.1 shall be installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
   
   4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10 inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

21.19. Section: Table M1507.3

Delete Table M1507.3.3(1) and M1507.3.3(2); and

Insert See ASHRAE 62.2 – 2007 edition; Table 5.1 and 5.2

STATUTORY AUTHORITY: 10 M.R.S. §9722

EFFECTIVE DATE:
   October 11, 2010 – filing 2010
AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.

AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

AV104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

AV104.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections AV104.2.1 through AV104.2.4.

AV104.2.1 Stairways. Stairways accessing lofts shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5.
AV104.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AV104.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.

AV104.2.1.4 Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AV104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

AV104.2.2 Ladders. Ladders accessing lofts shall comply with Sections AV104.2.1 and AV104.2.2.

AV104.2.2.1 Size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm) and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AV104.2.2.3 Alternating tread devices. Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.2.4 Ships ladders. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AV104.2.5 Loft Guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

CHAPTER PART AV105—EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.
Rule-Making Fact Sheet
(5 MRSA §8057-A)

AGENCY: Office of State Fire Marshal, Bureau of Building Codes and Standards

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Michelle Mason Webber, Sr. Planning and Research Analyst, 52 State House Station, Augusta, ME 04333-0052, 207-626-3873, email: michelle.mason@maine.gov


STATUTORY AUTHORITY: 10 M.R.S. §9722

DATE, TIME AND PLACE OF PUBLIC HEARING: September 18, 2017, Champlain conference room, Department of Public Safety, 45 Commerce Drive, Augusta, Maine 04333 @ 9 a.m.

COMMENT DEADLINE: September 28, 2017

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)] To conform to the current statute that was passed in the last legislative session, and adoption of the 2015 version of the International Residential Code.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? X YES ___NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)] This rule adopts the 2015 International Residential Code. Towns below 4,000 residents would no longer be required to enforce the building and energy code.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B] Professional judgement of agency.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)] None: as new codes are adopted, exceptions are granted and new requirements are added. A careful review of the code changes shows no apparent increase to construction costs.

FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: [see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.