

# **Maintenance and Repair of Existing Structures**

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## **Subject**

Buildings in existence at the time of the adoption of the new code may have their existing use or occupancy continued if it was legal at the time of the final inspection. If such use is dangerous to life, the Building Official may require the owner to bring the use up to current code.

Buildings that are altered through repairs or additions must conform to the current code.

All buildings and parts shall be maintained in a safe and sanitary condition. All safeguards that were required by the code under which the building was constructed shall be maintained in conformance with that code.

The Conservation of Buildings code can be used as a design tool for older buildings that may have difficulty in compliance with current code.

## **Background**

The purpose of the International Code Council is to publish new codes every 3 years which reflect new knowledge gained from the industry and to provide the code agencies with a document that can be applied to new construction. If International Code Council and the industry feel that a life safety problem exists in an older code provision, they will flag the problems with an emergency order or provide a special section in the code which is applied to the community as a whole. An example of an emergency order is the problem found with steel frame moment connections in 1991. The order, which contained specific design concerns about the use of such a connection, was sent throughout the nation alerting building owners that this construction has safety issues. An example of a specific code revision that is applied to all existing buildings, would be the requirement in 1988 which required smoke detectors to be installed in all construction with a permit valuation of \$1000.

The Incline office encountered a recent problem where an owner had removed a metal railing to have it painted. The inspector noticed the property owner that a permit was required and, before the railing was reinstalled, it would need to be altered to meet the new code provisions for rail spacing. It is the direction of this office that since the railing had not been altered in any way and had met the old code the home had been inspected to, that this maintenance function would not invoke the permit requirements.

The International Code Council has not indicated that railing spacing should be changed on all existing buildings throughout the nation. If the railing had been reconstructed, altered, added to, or changed in any manner, then it would be required to meet current code. When looking at an existing railing, it is important to determine if the railing is safe and whether it met the code to which it was originally inspected. Under the conditions of the Incline problem, if the railing is not safe and does not meet any code requirements, old or new, then, it is the responsibility of the inspector to notice the owner to make it safe.