

# Chapter 1: Scope and Administration

## General Comments

The law of building regulation is grounded on the police power of the state. In terms of how it is used, this is the power of the state to legislate for the general welfare of its citizens. This power enables passage of such laws as a plumbing 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. Although 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, including its plumbing systems, conforms to the code.

Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the performance criteria contained in 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. Although it is generally assumed that the administrative and enforcement sections of a code are geared toward the code official, this is not entirely true. 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 determine whether a plumbing installation conforms to the code requirements. The design professional is responsible for the design of a safe, sanitary plumbing system.

The contractor is responsible for installing the system in strict accordance with the plans.

During the course of the construction of a plumbing system, the code official reviews the activity to make sure that the spirit and intent of the law are being met and that the plumbing system provides adequate protection of public health. As a public servant, the code official enforces the code in an unbiased, proper manner. Every individual is guaranteed equal enforcement of the code. Furthermore, design professionals, contractors and building owners have the right of due process for any requirement in the code.

## Purpose

A plumbing code, as with any other code, is intended for adoption as a legally enforceable document to safeguard health, safety, property and public welfare. A plumbing code cannot be effective without adequate provisions for its administration and enforcement. The official charged with the administration and enforcement of plumbing regulations has a great responsibility, and with this responsibility goes authority. No matter how detailed the plumbing code may be, the code official must, to some extent, exercise judgment in determining compliance. The code official has the responsibility for establishing that the homes in which the citizens of the community reside and the buildings in which they work are designed and constructed to be reasonably free from hazards associated with the presence and use of plumbing appliances, appurtenances, fixtures and systems. The code is intended to establish a minimum acceptable level of safety.

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## PART 1—SCOPE AND APPLICATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *International Plumbing Code* of [NAME OF JURISDICTION] hereinafter referred to as “this code.”

❖ This section sets forth the scope and intent of the code as it applies to new and existing structures. The adopted regulations are identified by inserting the name of the adopting jurisdiction into the code.

**101.2 Scope.** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.

**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more

than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

- ❖ This section describes the types of plumbing system construction-related activities to which the code is intended to apply. The applicability of the code encompasses the initial design of plumbing systems, the installation and construction phases and the maintenance of operating systems. Section 101.2 excludes nothing plumbing related and does not limit applicability of the code to any device, fixture, system and associated equipment that could fall under, or is construed to fall under, the definition of “Plumbing” (see the definition of “Plumbing” in Chapter 2). The code is intended to govern plumbing systems provided for use by and for the general safety and well-being of occupants of a building. The code intends to regulate any and all plumbing-related appliances, systems and associated equipment that can affect the health, safety and welfare of building occupants insofar as they are affected by the installation, operation and maintenance of such appliances and systems. Plumbing systems include the associated equipment by definition of “Plumbing system” in Chapter 2.

In addition, nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems are regulated by the code. Other than the actual connections to the potable water system, the code does not regulate hydronic piping for space heating or cooling, lawn sprinkler (irrigation) systems or automatic fire sprinkler and standpipe systems. These are not considered to be plumbing systems because they have nothing to do with supplying potable water or the transport of liquid wastes and water-borne solid wastes. Flammable/combustible liquid piping, hydronic piping, fire suppression system piping and nonplumbing-related systems are typically addressed in the *International Building Code*® (IBC®), the *International Fire Code*® (IFC®) and the *International Mechanical Code*® (IMC®). Most hydronic heating and cooling systems and fire suppression systems have one or more connections to the plumbing system. Such connections involve direct connections to the water supply system and indirect connections to the drainage system. For example, an automatic fire sprinkler system may be supplied by the public potable water supply and may have one or more drains and test apparatus that discharge water to the building drainage system. In the case of irrigation systems, for example, the plumbing system terminates at the backflow prevention device that joins the potable water supply to the irrigation piping system. All interfaces between plumbing systems and nonplumbing systems are subject to the requirements of the code.

This section references the *International Fuel Gas Code*® (IFGC®) for all fuel-gas-related regulations. This is the result of an agreement between the International Code Council® (ICC®) and the American Gas Association (AGA) to develop the IFGC.

The exception is actually a distinct requirement that sends the user to the *International Residential Code*® (IRC®) for one- and two-family dwellings that are less than four stories in height and townhouses that are less than four stories in height, as these structures are within the scope of the IRC. It is the intent of the International Codes® that the code regulate plumbing in all structures that do not fall within the scope of the IRC. Structures falling within the scope of the IRC are to be regulated by the IRC.

**101.3 Intent.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

- ❖ The intent of the code is to set forth requirements that establish the minimum acceptable level to safeguard life or limb, health, property and public welfare. Intent becomes important in the application of sections such as Sections 102, 104.2, 105.2 and 108, as well as any enforcement-oriented interpretive action or judgment. As with any code, the written text is subject to interpretation. Interpretations should not be affected by economics or the potential impact on any party. The only consideration should be protection of the public health, safety and welfare.

**101.4 Severability.** If any 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 in which a provision of the code is declared illegal or unconstitutional. This section preserves the legislative action that put the legal provisions in place.

## SECTION 102 APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

- ❖ Specific requirements of the code override or take precedence over general requirements. For example, while the code specifies the types of piping materials that can be used for vent systems, the specific requirements for chemical waste systems require that the vent piping be suitable for the service intended and be approved by the code official.

**102.2 Existing installations.** Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design

and no hazard to life, health or property is created by such plumbing system.

❖ An existing plumbing system is generally considered to be “grandfathered in” with code adoption if the system meets a minimum level of safety. Frequently the criteria for this level are the regulations (or code) under which the existing building was originally constructed. If there are no previous code criteria to apply, the code official is to apply those provisions that are reasonably applicable to existing buildings. A specific level of safety is dictated by provisions dealing with hazard abatement in existing buildings and maintenance provisions, as contained in the code and the *International Property Maintenance Code*® (IPMC®), the *International Existing Building Code*® (IEBC®) and the IFC.

**102.3 Maintenance.** All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed.

The owner or the owner’s designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the code official shall have the authority to require any plumbing system to be reinspected.

❖ All plumbing systems and equipment are subject to deterioration resulting from aging, wear, accumulation of dirt and debris, corrosion and other factors. Maintenance is necessary to keep plumbing systems and equipment in proper operating condition. Required safety devices and controls must be maintained to continue providing the protection that they afford. Existing equipment and systems could have safety devices or other measures that were necessary because of the nature of the equipment, and such safeguards may have been required by a code that predates the current code. Safeguards required by previous or present codes must be maintained for the life of the equipment or system.

The maintenance of plumbing systems as prescribed in this section is the responsibility of the owner of the property. The owner may authorize another party to be responsible for the property, in which case that party is responsible for the maintenance of the plumbing systems involved.

The reinspection authority of the code official is needed to ensure compliance with the maintenance requirements in this section.

**102.4 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new

construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

❖ Simply stated, new work must comply with current code requirements. Any alteration or addition to an existing system involves some new work, and therefore is subject to the requirements of the code. Additions or alterations to an existing system can place additional loads or different demands on the system, which could necessitate changing all or part of the existing system. For example, the addition of plumbing fixtures to an existing system may necessitate an increase in drain piping size and water distribution piping size. Additions and alterations must not cause an existing system to be any less in compliance with the code than it was before the changes.

Repair of an existing nonconforming plumbing system is permitted without having to completely replace the nonconforming portion. This typically occurs when repairing a fixture or piping. Although some types of fixtures or piping arrangements are no longer permitted, existing fixtures or piping can be repaired and remain in service if a health hazard or insanitary condition is not maintained or created. This section distinguishes between alterations (subject to applicable provisions of the code) and ordinary repairs (maintenance activities not requiring a permit). The intent of this section is to allow the continued use of existing plumbing systems and equipment that may or may not be designed and constructed as required for new installations.

Existing plumbing systems and equipment will normally require repair and component replacement to remain operational. This section permits repair and component replacements without requiring the redesign, alteration or replacement of the entire system. In other words, the plumbing system is allowed to stay as it was if it is not hazardous. It is important to note that the word “minor” in this section is intended to modify “additions,” “alterations,” “renovations” and “repairs.” It is not the intent of this section to waive code requirements for the replacement of all or major portions of systems under the guise of repair. Any work other than minor repairs or replacement of minor portions of a system must be considered as new work subject to all applicable provisions of the code. Repairs and minor component replacements are permitted in a manner that is consistent with the existing system if those repairs or replacements are approved by the code official; are not hazardous; do not cause the system or equipment to be any less in compliance with the code than before; and are, to the extent practicable, in compliance with the provisions of the code applicable to new work.

**102.5 Change in occupancy.** It shall be unlawful to make any change in the *occupancy* of any structure that will subject the structure to any special provision of this code applicable to the new *occupancy* without approval of the code official. The code official shall certify that such structure meets the intent of the