

Chapter 5: MAINE UNIFORM BUILDING AND ENERGY 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”). 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 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 2,000 residents.

SECTION 1. PURPOSE AND SCOPE

All building construction in Maine, with some exceptions, is governed by the MUBEC, which is 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. 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.

SECTION 3. DEFINITIONS

1. **IRC.** “IRC” means the 2009 International Residential Code, in effect on June 1, 2010, published by the International Code Council, Inc.
2. **NFPA.** “NFPA” means The National Fire Protection Association.
3. **MUBEC.** “MUBEC” means the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S. §9271 *et seq.*

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 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

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
 - U. Chapter 40 Devices and Luminaries
 - V. Chapter 43 Class 2 Remote-Control, Signaling and Power Limited Circuits
 - W. Appendix A - Q

SECTION 5. REVISIONS TO THE IRC

The following additions, insertions, deletions, and other changes are hereby made to the 2009 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 R102.2.1

Insert “No provisions 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.”
4. 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, §§ 2452 and 2465” in its place.
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 MRSA §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.

10. Section R105.3

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

11. Section R105.3.1

Delete “within a reasonable time after filing”
Insert “in accordance with 30A MRS §4103”

12. 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 bar of appeals to constitute substantial improvement or substantial damage”; *and*
Insert “Building Official” in its place.

13. Section R108

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

14. Sections R112 and R113

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

15. Section R202

Delete “Conditioned space: For 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.

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.

17. Section R310.1.1

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

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 ~~P2904~~, 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.

19. Section: Table M1507.3

Delete Table M1507.3; 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