

ITEMS FOR Property Maintenance Code New York State (PMCNYS) TECHNICAL SUBCOMMITTEE REVIEW

DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION – DEPARTMENT OF STATE

Changes between the 2010 PMCNYS and 2012 IPMC

This chart indicates **all** changes, including changes in wording to clarify requirements, between the 2010 Property Maintenance Code of New York State and the 2012 International Property Maintenance Code (**Note the 2012 includes changes that were made to the 2009 edition**). Also included in the chart are the New York modifications from the 2010 Property Maintenance Code of New York State which will be brought over to the next version. **Only significant code changes were voted on by the Technical Subcommittee and will be brought to the Code Council.** These changes are marked with an X on the chart below under the column labeled “Item for vote.” The other information is provided for reference and documentation purposes.

11-27-2012 (revision)

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|-------------------------------------|--------------|--------|--|--|
| | Chapter 1 “General Requirements” | | | Coordinate with other technical subcommittees. | Both Chapter 1 and Chapter 3 are titled “General Requirements” which has created some confusion. Suggestion to change titles and consider approaches utilized in other New York State Codes e.g. Residential indicates “Administration” and Fire Code utilizes “Administration” and “General Precaution” Staff to coordinate. |
| | <u>102.1</u> | <u>102.1</u> | | Review for word changes no action required. | IPMC 2009 was changed (2012 unchanged) to address paragraph regarding conflicts. The IPMC has additional text to address general and specific requirements. Coordination is important and this will be reviewed by staff to ensure consistency and clarity. |
| | <u>102.2</u> | | | Review for word changes administrative therefore no action required. | PMCNYS 2010 was changed to include reference to other laws and regulations and to explain organization of the State Uniform Fire Prevention and Building Code. This is administrative and legally required. |
| | <u>102.5</u> | <u>102.7</u> | | Review for exception. | IPMC 2009 has exception which indicates “Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.” Consensus of technical subcommittee was to recommended changes to definitions to include “listed” the consensus was to propose potential exceptions (such as more specific listing requirements as noted in ICC). This will be evaluated by staff as part of the coordination of Chapter 1 provisions, within all codes, which are primarily administrative in nature and therefore determined by staff’s recommendations to Codes Council and their action. Basic concept is that provisions of the code take precedent. |

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|-------------|-----------|--------|---|--|
| | 102.6 | [A]102.3 | | Review for word changes no action required. | IPMC 2012 was changed to include International Energy Conservation Code, International Fire Code, International Residential Code and International Plumbing Code. The PMCNYS already has provisions for additional codes. If other codes are incorporated into the NYS Code they will have to be considered and added here. |
| | | [A]102.7 | | Review for word changes no action required. | IPMC 2012 was changed to include reference to conflicts and address provisions referenced in codes and referenced standards. Administrative in nature. |
| | | 102.9 | | No action (possibly numbering) | IPMC 2009 had change to this section (2012 unchanged). This has not been included as section 102.4 of PMCNYS. |
| | | 103 | | No action "administrative" section. | IPMC 2009 had changes to this section (2012 unchanged) titled "Department of Property Maintenance Inspection" and it deals with administrative aspects including appointment, deputies and liability which are typically not part of codes in New York State. Administrative in nature. |
| | 103.3 | | | Review for word changes. | PMCNYS 2010 was changed to include reference to alternate materials, design and methods of construction and equipment. Allows code enforcement official some discretion in review and approval. This was addressed in IPMCs 2009 where section 105.1 had changed and same section 2012 (which did not change). |
| | | 104 | | No action "administrative" section. | IPMC 2009 had changes to this section (2012 unchanged) titled "Duties and Powers of the Code Official" which deals with administrative aspects including authorization, inspections, right of entry, identification, notices and orders, and department records. These are typically not part of codes in New York State and are addressed in regulations such as Part 1203 and 1204. This section did not change in 2012. Since administrative these were considered but general consensus was to defer to staff recommendations and decision, if appropriate, by Codes Council. |
| | | 105.1 | | No action "administrative" section. | IPMC 2009 had changes to this section (2012 unchanged) titled "Approval" which deals with administrative aspects including practical difficulties and variances. These aspects are currently partially addressed in Section 103.3 titled "Alternate materials, design and methods of construction and equipment" and in Section 109 titled "Administration and Enforcement." It is also addressed in New York State through the variance procedures and it is currently not at the discretion of the Code Enforcement Official. Therefore recommend not including these types of provisions and technical subcommittee concurred since administrative in nature. |
| | | 105.4 | | No action, unless felt required for coordination aspects. | IMPC 2009 had changes to this section (2012 unchanged) titled "Used material and Equipment" which deals with the use of used material. These provisions are generally addressed in the applicable building codes and therefore not necessary to be addressed in the PMCNYS. |

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|-------------|-----------|--------|---|--|
| X | 107 | 108.1.5 | | Recommend adoption as in IPMC. Review and consider in context of other codes and changes to definitions in codes. | Staff to coordinate. IPMC 2009 had changes to add definition to what constitutes “Dangerous structure or premises.” This should be reviewed in context of other sections and coordinated. The extensive changes in the 2009 IPMC sections 108.1.5 1 through 11 were not revised in the 2012 IPMC. The committee approved inclusion as per the 2012 IPMC. There was opinion within the technical subcommittee that additional provisions were warranted. Specific recommendations beyond to include as per the 2012 IPMC were not provided. It was noted that the additional detail would be beneficial. |
| X | | 108.2.1 | | Recommend adoption as in IPMC. Review and consider in context of other codes. | IPMC 2009 had changes to this section (2012 unchanged) titled “Authority to disconnect service utilities” which deals with the ability of the code enforcement official to authorize disconnect of utility services and notifications. Service Utilities are addressed in Section 104 of the PMCNYS but they do not address disconnection. Section 108 titled “Emergency Measures” could be construed to provide for this but additional definition could be considered. The committee approved inclusion as per the 2012 IPMC. The consensus opinion within the technical subcommittee was that additional provisions were warranted. |
| X | | 108.6 | | Recommend adoption as in IPMC. Review and consider in context of other codes. | IPMC 2009 had changes to this section titled “Abatement methods” which deals with the responsibility of the owner, operator or occupant to deal with a condition that is considered unsafe. Not changed in the 2012. The committee approved inclusion as per the 2012 IPMC |
| | | 108.7 | | Review and consider in context of other codes. | IPMC 2009 had changes to this section titled “Record” which deals with the responsibility of code enforcement official to document unsafe conditions. Typically addressed within Parts 1203 and 1204. Not changed in the 2012 Administrative in nature therefore not required to be in code. |
| X | 108 | 110 | | Recommend adoption as in IPMC. Review and consider in context of other codes. | IPMC 2009 had changes to this section titled “Demolition” which deals with the responsibility of code enforcement official to determine whether in their judgment a structure is unsafe and of such a condition as to warrant demolition. This is addressed in Section 108 PMCNYS with regard to emergency measures as well as in other sections of the codes. The committee approved inclusion as per the 2012 IPMC |
| | | 112 | | Review and consider in context of other codes. | IPMC 2009 had changes to this section titled “Stop Work Order” which deals with the responsibility of code enforcement official to determine whether in their judgment whether any work or condition is of such a manner or type that it would warrant the issuing of a stop work order. PMCNYS with regard to emergency. Not changed in the 2012 IPMC. Administrative in nature therefore not required to be in code. |

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|--------------------------|---|--------------------------|--|--|
| X | | 201.3 | | Recommend adoption as in IPMC and other codes unless in conflict with New York State provisions. Review for word changes no action required. | IPMC 2012 was changed to include International Energy Conservation Code, International Fire Code, International Residential Code and International Plumbing Code. The PMCNYS already has provisions for additional codes. If other codes are incorporated into the NYS Code they will have to be considered and added here. Many definitions have also been changed in the referenced codes and could have impact on the application in the PMCNYS. Some of the identified definitions that occur in the Existing Building Code are extracted from the chart for that code and included as part of this chart below in <i>green italicized text</i> for reference. The 2009 IPMC had additional definitions which were not changed in the 2012 edition. Coordination between codes by staff required. The committee approved inclusion of definitions as contained within the 2012 IPMC for all of the definitions that follow below and that are marked with an *x*. |
| *x* | <i>Dangerous</i> | <i>Dangerous</i> | <i>Definition change</i> | <i>Accept 2012. 5/15/12</i> | <i>Also changed in IBC – clarification. Coordination between codes by staff required.</i> |
| *x* | <i>(no definition)</i> | <i>Detached was added in 2009 IMPC</i> | | | <i>Not in the PMCNYS. Unchanged in 2012 IPMC. Coordination between codes by staff required.</i> |
| *x* | <i>(no definition)</i> | <i>Deterioration was added in 2009 IMPC</i> | | | <i>Not in the PMCNYS. Unchanged in 2012 IPMC. Coordination between codes by staff required.</i> |
| *x* | <i>(no definition)</i> | <i>Equipment Support was added in 2009 IMPC</i> | | | <i>Not in the PMCNYS. Unchanged in 2012 IPMC. Coordination between codes by staff required.</i> |
| *x* | <i>Existing Building</i> | <i>Existing Building</i> | <i>Definition change</i> | <i>Accept 2012. 5/15/12</i> | <i>Improved. . Coordination between codes by staff required.</i> |
| *x* | <i>(no definition)</i> | <i>Facility</i> | <i>New word added</i> | <i>Accept 2012. 5/15/12</i> | <i>Coordination issue – confirm same term in all books. . Coordination between codes by staff required.</i> |
| *x* | <i>Labeled</i> | <i>Labeled</i> | <i>Wording changed</i> | | <i>The PMCNYS has slightly different language should be compared and decided upon. While these might be subtle in nature can have tremendous impact. . Coordination between codes by staff required.</i> |
| *x* | <i>(no definition)</i> | <i>Neglect</i> | <i>New word added</i> | | <i>Not in the PMCNYS. Unchanged in 2012 IPMC. . Coordination between codes by staff required.</i> |
| *x* | <i>(no definition)</i> | <i>Noncombustible material</i> | <i>New word added</i> | <i>Accept 2012. 5/15/12</i> | <i>This term is not in the Fire Code or Building Code? Needs to be researched. . Coordination between codes by staff required.</i> |

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|-------------------------------|--|--|---|---|
| *X* | (no definition) | Pest Elimination | New word added | | Not in the PMCNYS. Unchanged in 2012 IPMC. . Coordination between codes by staff required. |
| *X* | (no definition) | Registered Design Professional in Responsible Charge | New word added | Accept 2012. 5/15/12 | Coordination issue – confirm same term in all books. Coordination between codes by staff required |
| *X* | Substantial structural damage | Substantial structural damage | Change from 20% reduction in capacity to 33% | Accept 2012. 5/15/12 | More practical percentage. Determination should be made by Existing Building Code Technical Subcommittee and coordination between codes by staff required. |
| *X* | Ultimate Deformation | Was added in 2009 IMPC | | | Not in the PMCNYS. Unchanged in 2012 IPMC. . Coordination between codes by staff required. |
| *X* | Unsafe Buildings or Equipment | Unsafe | Change in term and definition | Accept 2012. 5/15/12 | Includes “vacant structures.” Discussion established that it would be practical to enforce even if there were many vacant structures in a municipality. In PMC 108 – need to coordinate. . Coordination between codes by staff required. |
| X | 202 | 202 | | Recommend adoption as in IPMC Review for word changes. | IPMC 2009 had changes to this section (2012 unchanged) titled “Definitions” which added definitions for “anchored, detached, deterioration, equipment support, labeled (currently in NYSPMC but different) neglect, pest elimination and ultimate deformation.” The 2010 PMCNYS added changes to “bedroom, inoperable motor vehicle, sleeping unit and swimming pool “The committee approved inclusion of definitions as contained within the 2012 IPMC. Coordination between codes by staff required. |
| | 302 | | | Review and consider in context of other codes. | PMCNYS has changes to the text regarding off street, accessible parking, and design features. Consensus was to retain as in PMCNYS and determine if further coordination between codes required |
| | 302.4 | | | Coordination item. | PMCNYS has changes to the text already approved by Codes Council and posted on internet eliminated “premises and.” Coordination between codes by staff required. |
| X | 302.6 | | | Recommend adoption as in IPMC and other codes unless in conflict with New York State provisions. This should be in new Section 603.1.1. | Proposal to add section to address concerns regarding Outdoor Wood Boilers. The concern is that the products of combustion in the equipment operation create noxious and objectionable fumes. Proposed text (which should be new Section 603.1.1 “The installation and operation of an Outdoor Wood Boiler shall be in accordance with Department of Environmental Conservation Part 247 and the manufacturer’s listing.” It was decided that the proposed text “Plumes of smoke, vapor and particulate waste shall not create a nuisance in accordance with DEC Part 247.3” was adequately covered in DEC regulations and therefore not necessary in this section. |

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|-------------|-----------|--------|--|---|
| | 303 | | | Accept additions and deletions. | PMCNYS has changes to the text incorporated into the 2010 edition regarding Swimming Pools, Spas and Hot Tubs. Review in context of other New York State modifications. There have been concerns and conflicts regarding these sections in relationship to other codes. Coordination required. Address perceived conflict between codes and retroactive aspects in PMC versus what would be required if in other codes (new, alteration, etc.). Coordination with Department of Health required. Note - this was not included in motion to accept all. |
| X | | 304 | | Recommend adoption as in IPMC. Review and consider in context of other codes. | IPMC 2009 had extensive changes to this section titled "Unsafe Conditions" which adds and elaborates upon the issue of unsafe conditions. Unchanged in 2012 IPMC. The committee approved inclusion as per the 2012 IPMC |
| X | 304.15 | 304.15 | | Recommend adoption as in IPMC of these corrections of typographical errors. | IPMC 2012 had modifications to this section. Typographical error in reference section it should be 702.3 there is no section 703.3 as referenced. |
| X | | 304.19 | | Recommend adoption as in IPMC. | IPMC 2012 added this section regarding "Gates." The committee approved inclusion as per the 2012 IPMC |
| X | | 305.1.1 | | Recommend adoption as in IPMC. | IPMC 2009 added detailed conditions that were "Unsafe." Unchanged in the 2012 IMPC. The committee approved inclusion as per the 2012 IPMC |
| X | | 306 | | Recommend adoption as in IPMC | IPMC 2009 added detailed conditions that were part of "Component Serviceability." Unchanged in the 2012 IMPC. Not specifically addressed within the PMCNYS. The committee approved inclusion as per the 2012 IPMC |
| X | 306 | 307 | | Recommend adoption as in IPMC. | IPMC 2009 added detailed information about "Handrails and Guardrails." Unchanged in the 2012 IMPC. Is addressed in very similar language the PMCNYS. Difference in wording in exception. The committee approved inclusion as per the 2012 IPMC |
| X | 308.4 | 309 | | Recommend adoption as in IPMC. | IPMC 2009 had changes to title and section 309.4 regarding "Multiple Occupancy." Unchanged in the 2012 IMPC. Has been addressed within the PMCNYS with different language. The committee approved inclusion as per the 2012 IPMC |
| X | 403.5 | 403.5 | | Recommend adoption as in IPMC. | IPMC 2009 had changes to section regarding "Clothes dryer exhaust." Unchanged in the 2012 IMPC. Has been addressed within the PMCNYS with different language and the allowance of an "exception." The committee approved inclusion as per the 2012 IPMC |
| | | 404.4.1 | | | IPMC 2012 had additional definition of "Room area" and described occupancy by more than one person. PMCNYS already had these provisions. The committee approved inclusion as per the 2012 IPMC |
| | Table 404.5 | | | | Issue of whether the provided areas are inclusive of closets or not. Neither the IPMC nor other materials address. Consensus was more information was appropriate. |

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|---------------|-------------------|---------------------|--------|---|--|
| X | 404.5 | 404.5 | | Recommend adoption as in IPMC. | IPMC 2012 had changes to this section regarding "Overcrowding." The committee approved inclusion as per the 2012 IPMC. |
| X | 404.6 | 404.6 | | Recommend adoption as in IPMC. | IPMC 2012 had changes to this section regarding "Efficiency unit." The committee approved inclusion as per the 2012 IPMC. |
| X | 501.2 | 502.5 | | Recommend adoption as in IPMC. | IPMC 2009 had new section regarding "Public toilet facilities." Unchanged in the 2012 IPMC. Has been addressed in part within the PMCNYS 501.2 with different language. The committee approved inclusion as per the 2012 IPMC |
| | 602.2 | 602.2 | | Determination whether the addition of "...small portable unvented..." is appropriate in the IPMC. | IPMC 2012 had addition of reference to small portable unvented fuel Burning space heaters not to be used as means to provide required heating. It states "Cooking appliance shall not be used, nor shall portable unvented fuel-burning space heaters be used as a means to provide required heating." Additional research (Code Commentary, transcripts, Technical Bulletins and as well as any other available material to be reviewed for additional information). |
| | 602.2 | 602.2 | | | The PMCNYS has a different exception to the editions of the IPMC. New York State indicates "Owner-occupied one family dwellings subject to the approval of the code enforcement official." Coordinate with other codes and determine if this would be better addressed as an exception that was in the Residential Code only. Determine what the approach has been with similar situations if any occur. |
| X | 603.1 (See 302.6) | 603.1 | | Recommend adoption and renumbering. | Proposal to add to section to address concerns regarding Outdoor Wood Boilers. The concern was that the products of combustion in the equipment operation create noxious and objectionable fumes. The additional text "Outdoor wood boilers" should be inserted after "...solid fuel burning appliances," and before "cooking appliances..." |
| X | 603.1.1 | 603.1 | | Recommend adoption of new section 603.1.1. | Proposed text (which should be new Section 603.1.1 "The installation and operation of an Outdoor Wood Boiler shall be in accordance with Department of Environmental Conservation Part 247 and the manufacturer's listing." It was decided that the proposed text "Plumes of smoke, vapor and particulate waste shall not create a nuisance in accordance with DEC Part 247.3" was adequately covered in DEC regulations and therefore not necessary in this section. Staff to review for coordination and conflicts with other New York State provisions. |
| X | 604 | 604.3.1 and 604.3.2 | | Recommend adoption as in IPMC. | IPMC 2009 had new section regarding "Abatement of electrical hazards associated with water exposure." Unchanged in the 2012 IPMC. Has not been specifically detailed addressed within the PMCNYS Section 604. It is addressed by virtue of the National Electric Code. The committee approved inclusion as per the 2012 IPMC |
| X | 605.2 | 605.2 | | Recommended acceptance. | The IPMC 2012 has added a new portion which states "All receptacle outlets shall have the appropriate faceplate cover for the location. The committee approved inclusion as per the 2012 IPMC Determination whether the addition of portion regarding faceplate covers is acceptable. |

| Item for vote | 2010 PMCNYS | 2012 IPMC | Change | Recommendation | Comments |
|---------------|--------------------------------|--------------------------------|-------------------|---|---|
| X | 605.3 | 605.3 | | Recommended acceptance. | The IPMC 2012 has added a new portion which states "Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection. . The committee approved inclusion as per the 2012 IPMC. Determination whether the addition of portion regarding pool and spa luminaries is coordinated and acceptable. |
| X | 605.4 | 605.4 | | Recommended acceptance. | The IPMC 2012 has added a new portion which states "Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings." The committee approved inclusion as per the 2012 IPMC. Determination whether the addition of portion regarding flexible cords is necessary and appropriate. |
| X | 606 | 606.1 | | Recommended acceptance. | The IPMC 2009 has changed the "General" portions. Which is unchanged in the 2012 IPMC? Wording is slightly different but appears to include language as in IPMC. . The committee approved inclusion as per the 2012 IPMC. |
| X | 606.1 | 606.1 | Required Schedule | Recommended acceptance. | Proposal to change text to read "General. Elevators, dumbwaiters, and escalators shall be maintained in compliance with ASME A17.1. Platform Lifts shall be maintained in compliance with ASME A18.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator, dumbwaiter or platform lift, of the certificate shall be available for public inspection in the office of the building operator. The frequency of inspection and tests shall be performed in accord with Table 606.1." The need for including a table in the PMC was suggested in the findings of an audit performed by the State Comptroller's Office in 2010. The fact that many jurisdictions were deficient in inspection of elevators and lifts may be, in part, attributed to the lack of understanding by regulated parties what the requirements were. Inclusion in the text of the code would go a long way toward correcting this, since the new table includes wording "Required Minimum Frequency" for inspections rather than "Recommended Inspection Intervals" in the title. |
| X | Table 606.1 | Table 606.1 | Add table. | Recommended acceptance. | Proposal to add Table 606.1 which utilizes Table 1 of Appendix N from the Referenced Standard ASME A17.1 and other materials to establish a table which clearly defines required inspection intervals. This table is attached to this chart on page 9. |
| X | | Appendix A Boarding Standard | | Recommended acceptance. Determination whether the addition of an Appendix is necessary and appropriate. | The IMPC 2009 added this appendix which includes figures and illustrations. Unchanged in the 2012 IPMC. Not specifically addressed within the PMCNYS. The committee approved inclusion as per the 2012 IPMC. Staff to research and coordinate. |
| | Chapter 8 Referenced Standards | Chapter 8 Referenced Standards | | Recommended acceptance. | Numerous typographical errors and omissions to be added. The majority of these have been already addressed through Code Council actions and the Department of State Internet site. The committee approved inclusion as per the 2012 IPMC. Staff to research and coordinate. |

TABLE 606.1 REQUIRED MINIMUM FREQUENCY OF INSPECTION AND TEST INTERVALS IN “MONTHS”

| Equipment Type* | Periodic Inspections | Category 1 type tests | Category 3 type tests | Category 5 type tests |
|--|-----------------------------|------------------------------|------------------------------|------------------------------|
| Electric Elevators | 6 | 12 | N/A | 60 |
| Hydraulic Elevators | 6 | 12 | 36 | 60 |
| Escalator and Moving Walks | 6 | 12 | N/A | N/A |
| Sidewalk Elevators | 6 | 12 | 36 | 60 |
| Private Residence Elevators | 12 | 12 | 36 | 60 |
| Hand Elevators | 6 | 12 | N/A | 60 |
| Dumbwaiters | 12 | 12 | 36 | 60 |
| Material lifts and dumbwaiters with automatic transfer devices | 12 | 12 | 36 | 60 |
| Special purpose personnel elevators | 6 | 12 | 36 | 60 |
| Inclined elevators | 6 | 12 | 36 | 60 |
| Shipboard elevators | 6 | 12 | 36 | 60 |
| Screw-column elevators | 6 | 12 | 36 | 60 |
| Rooftop elevators | 6 | 12 | 36 | 60 |
| Limited-use/ limited-application elevators | 6 | 12 | 36 | 60 |
| Elevators used for construction | 6 | 12 | 36 | 60 |
| Platform Lifts (Wheel Chair Lifts) | 6 | 12 | 36 | 60 |
| Stair Chair Lifts | 6 | 12 | 36 | 60 |

*See applicable ASME A17.1 and A18.1 for equipment definitions and scope of inspections and tests.