



# Building Standards and Codes

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## TECHNICAL BULLETIN

<b>Code Effective Date:</b>	<b>October 31, 2017<sup>1</sup></b>
<b>Source Document:</b>	<b>19 NYCRR Part 1220 – RESIDENTIAL CONSTRUCTION 19 NYCRR Part 1221 – BUILDING CONSTRUCTION 19 NYCRR Part 1222 – PLUMBING SYSTEMS 19 NYCRR Part 1226 – PROPERTY MAINTENANCE<sup>2</sup></b>
<b>Topic:</b>	<b>Specific, more restrictive, and additional referenced requirements of various code provisions.</b>

The purpose of this Technical Bulletin is to provide guidance regarding the appearance of conflicting provisions in the Uniform Fire Prevention and Building Code, including examples of how to determine which provision to enforce. These instances occur for several reasons including but not limited to, specific or more restrictive requirements occurring in other sections of codes (that may not be specifically referenced), and additional referenced provisions that may be overlooked.

Many times, throughout the Uniform Code, a general requirement is provided on a topic in addition to a specific or more restrictive requirement. To accommodate these scenarios, the 2017 Uniform Code Supplement, Chapter 1, Section 102 “Applicability” provides in part as follows:

**“102.1 General.** *Where, in any specific case, different sections of the Uniform Code specify different materials, methods of construction or other requirements, the most restrictive shall be applicable. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.”*

This section of the Uniform Code, which is found in the 2017 Uniform Code Supplement, clearly indicates that anywhere in the Uniform Code where a more restrictive or specific requirement is present, it shall be applicable.

Additionally, throughout the Uniform Code, there are additional referenced provisions (such as footnotes, exceptions, referenced codes sections and reference standards, etc.) that direct the user to subsequent code provisions that are applicable. It is essential to review these items and read all applicable code sections before concluding what is or is not required.

<sup>1</sup> The 2017 Uniform Code Supplement became effective on October 31, 2017; however, the provisions referenced in this Code Interpretation were not changed from the previous 2016 Uniform Code Supplement and ICC code book adoption, which became effective on October 3, 2016.

<sup>2</sup> Per 19 NYCRR Part 1219 “The Uniform Fire Prevention and Building Code (the Uniform Code) includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), and Part 1226 (Property Maintenance).

The 2015 International Residential Code (2015 IRC) is a publication incorporated by reference in 19 NYCRR Part 1220, the 2015 International Building Code (2015 IBC) is a publication incorporated by reference in 19 NYCRR Part 1221, the 2015 International Plumbing Code (2015 IPC) is a publication incorporated by reference in 19 NYCRR Part 1222, and the 2015 International Property Maintenance Code (2015 IPMC) is a publication incorporated by reference in 19 NYCRR Part 1226, and all are portions of the Uniform Code.

Several examples are provided below of instances where more restrictive or specific requirements exist and where additional referenced code provisions change what may be required.

### **Example 1 – Special Detailed Requirements Based on Use and Occupancy of 2015 IBC - Footnote**

Chapter 4 of the 2015 IBC is a prime example of where there are additional specific requirements within the Uniform Code. Chapter 4 outlines requirements specific to various uses and occupancies that would appear to conflict with other areas of the 2015 IBC.

An example of this would be the mixed-use separation requirements of private garages (Group U occupancy per Section 312 of the 2015 IBC). Per Table 508.4 of the 2015 IBC, the separation between a Group R and a U is either 1 or 2 hours depending on the presence of a sprinkler system. However, Section 406.3.4 of the 2015 IBC specifically provides for the separation of private garages from dwelling units which is different than that of Table 508.4. It would appear there are two provisions that exist in conflict, however, Table 508.4 identifies footnote “c” which indicates to “See Section 406.3.4”. Section 406.3.4 therefore prevails in this scenario because it is part of the established code path and is addressing a specific requirement for separation of private garages and dwelling units.

### **Example 2 – Minimum Room Areas of 2015 IBC, 2015 IRC, and 2015 IPMC – More Restrictive Provision**

Section 1208.3 of the 2015 IBC requires every dwelling unit to have a minimum of one room that shall have not less than 120 square feet and all other habitable rooms to have a net floor area of not less than 70 square feet, except kitchens.

Section R304.1 of the 2015 IRC requires habitable rooms to have a floor area of not less than 70 square feet, except kitchens.

Section 404.4.1 of the 2015 IPMC requires every living room to be a minimum of 120 square feet and 404.5 of the 2015 IPMC sets occupancy limitations on living rooms and dining rooms based on square footage.

Therefore, it follows that you could construct a building in compliance with the 2015 IBC or 2015 IRC by providing a bedroom of 120 square feet and a living room of 70 square feet. This same building however would be in violation of the 2015 IPMC because the living room is less than the required 120 square feet per Section 404.4.1.

In this scenario, specific living and dining room minimum areas are not provided for in the 2015 IBC or 2015 IRC and more restrictive requirements are in the 2015 IPMC. Therefore, although the 2015 IPMC governs existing buildings, if a building can be constructed in compliance with the 2015 IBC or 2015 IRC but contain an immediate violation upon completion due to a more specific or restrictive requirement of the 2015 IPMC, those more specific or restrictive requirements of the 2015 IPMC should be considered during the design and permitting stages of the project.

### **Example 3 – Plumbing Requirements of 2015 IBC vs 2015 IPC – Additional Referenced Code Section**

Chapter 29 of the 2015 IBC contains requirements for plumbing systems. Additional, and typically more specific, requirements are also provided in Chapter 4 of the 2015 IPC. If designing or reviewing a building with a business occupancy with an occupant load of 50, Table 2902.1 of the 2015 IBC would require one drinking fountain. Section 410 of the 2015 IPC however, provides specific provisions that both increase and decrease the number of drinking fountains required for accessibility requirements, and when supplemented by water dispensers and free water. Again, it would appear initially that conflicting provisions exist. Table 2902.1 of the 2015 IBC however, does denote at the top of the drinking fountain column: “See Section 410 of the International Plumbing Code”. In this comparison, code users need to review Section 410 of the 2015 IPC and Table 2902.1 of the 2015 IBC to determine what prevails.

#### **Example 4 – Combustible Exterior Finishes vs High Pressure Laminate from 2015 IBC – More Specific Provision**

Section 1406 of the 2015 IBC outlines provisions for “Combustible Materials on the Exterior Side of Exterior Walls”. Section 1406.2.1 refers to limitations of these materials in Type I, II, III, and IV construction.

Section 1409 of the 2015 IBC discusses provisions for high pressure laminates, a type of combustible material that can be used on the exterior side of exterior walls. Section 1409.10 outlines more specific requirements for the use of these materials in Type I, II, III, and IV construction. Additionally, Section 1409.11 outlines specific limitations for these materials when the requirements of 1409.10 are not met, which are different than those provisions of Section 1406. In this scenario, the more specific and restrictive provisions of 1409 prevail over Section 1406.

#### **Conclusion**

In summary, the numerous reference standards incorporated as part of the Uniform Code contain varying degrees of specific and more restrictive requirements that must be reviewed carefully during the design, permitting, and construction phases of the project. Additionally, many footnotes, exceptions, and additional information are directly referenced throughout the code that code users must carefully review throughout the project design and construction. In any instances where a more restrictive or specific requirement exists elsewhere in the Uniform Code, the specific and more restrictive provisions prevail.

The Division of Building Standards and Codes is committed to minimizing the number of conflicting code sections by way of code change proposals submitted to ICC, technical bulletins, code interpretations, etc. However, due to the ongoing coordination efforts and the large number of reference standards, Section 102.1 of the 2017 Uniform Code Supplement is necessary to ensure public safety in the event of conflicting code sections.

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