

## STATE BUILDING CODE INTERPRETATION NO. I-02-08

February 21, 2008

In view of the fact that you both seek formal interpretations of parts of Chapters 10 and 34 of the 2003 International Building Code portion of the 2005 State Building Code for the same building, I have decided to combine your questions into the same interpretation response.

**Question 1:** Does Section 1023.5.2 of the referenced code preclude the use of an existing egress court with a deeded width of eight feet?

**Answer 1:** No. It is actually Section 1023.5.1 that sets forth the minimum required width for an egress court. Egress courts not meeting either exception are required to be determined in accordance with Section 1005.1 (0.2 inches in width per occupant) with a minimum width of 44 inches for all but Occupancy Classifications R-3 and U, which can be a minimum of 36 inches wide. Section 1023.5.2 tells the code user that in the case of an egress court that meets the requirements of 1023.5.1, but that is less than 10 feet in width, the lower 10 feet of the building walls adjacent to the court must have a one-hour fire-resistance rating with fixed or self-closing  $\frac{3}{4}$  hour opening protectives. It is worthwhile to note that the commentary to Section 1023.5.2 states that "The purpose of this section is to protect the occupants served by the egress court from the building that they are exiting from." Thus, it does not appear to be the intent of the code to require the exterior walls of adjacent buildings that form the other walls of the court to be similarly rated. This is due to the unlikelihood of multiple buildings being on fire at the same time.

**Question 2:** Does the code require an accessible means of egress to be provided for existing buildings undergoing a change of occupancy or an alteration?

**Answer 2:** No. Section 3409.3 lists six specific accessibility items that must be complied with for a change of occupancy. These do not include the provision of an accessible means of egress (NB: This is scheduled to change with the adoption of the 2008 Amendments to the 2005 State Building Code but the amendments are currently not enforceable). Exception 1 to Section 1007.1 specifically exempts alterations to existing buildings from the requirement for accessible means of egress. Thus, under the current code, neither a change of occupancy nor an alteration would require the addition of accessible means of egress. Any accessible means of egress provided voluntarily by the permit applicant must comply with all applicable code requirements.

**Question 3:** Is it the intent of Section 1023.5.2 to require egress courts to be 10 feet in width and wholly located on the lot upon which the building served by the court is located?

**Answer 3:** First of all, we have already established in Answer 1 that the minimum width of the court is determined by 1023.5.1 and not by 1023.5.2. Section 1023.5.2 regulates the rating of building walls adjacent to courts less than 10 feet in width. Secondly, since the intent of both referenced code sections is to provide for safe exit discharge while traveling towards the public way, the code requires that the minimum width of the court be constantly available to those persons required to use it. Thus, the intent of the code is that the minimum required width, whether it is as calculated by 1005.1 or to avoid the required rating of the adjacent building wall, be measured to the property line of the building being exited from or to the limits of a right-of-way allowing unrestricted travel for the persons using the exit. For instance, there would be little use in providing a court in excess of ten feet if the owner of adjacent property could at any time erect a fence or other barrier restricting the width to less than ten feet, thus kicking in the requirement for the rated wall. Similarly, the code would not permit the use of an egress court of the minimum required 44 inch width if the entire minimum width were not on the same property or dedicated to occupants of the property by right-of-way.