

## CHAPTER 3 BUILDING PLANNING

### SECTION R310.1 IRC Interpretation No. 16-07 2006 Edition Issued: 09-06-2007 RE\_06\_16\_07

**R310.1 Emergency escape and rescue required.** Basements and every sleeping room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

**Exception:** Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m<sup>2</sup>).

#### REFERENCED SECTIONS:

**R101.2 Scope.** The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply 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 in height with a separate means of egress and their accessory structures.

**R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *International Fire Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**R102.7.1 Additions, alterations or repairs.** Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.



**Q:** In question are existing detached one- and two-family dwellings and townhouses containing basements without emergency escape and rescue openings. The dwellings in question were legally constructed and occupied prior to jurisdictional adoption and enforcement of the *International Residential Code*.

Do the technical provisions for emergency escape and rescue openings, as provided in Section R310.1 of the *International Residential Code*, apply to additions and alterations to change an existing non-habitable basement to habitable space in a legally occupied dwelling that is subject to the provisions of the *International Residential Code* at the time the additions and alterations are made to the existing dwelling?

**A:** Yes. Additions and alterations to existing dwellings must be made to comply with the technical provisions of the appropriate codes being enforced at the time the work is done. The provisions in Section R310.1 of the *International Residential Code* require basements and sleeping rooms to be provided with emergency escape and rescue openings. When the construction of additions and alterations change the use of the existing basement, emergency escape and rescue openings must be provided; regardless of the requirements in place when the dwelling was originally constructed.

The provisions of the *International Residential Code*, as defined in Section R101.2, apply to all aspects of construction for detached one-and two-family dwellings, multiple single-family dwellings defined as townhouses and all structures accessory to the dwellings and townhouses. The provisions address all aspects of constructing, altering, repairing,

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maintaining, using, occupying, enlarging, locating, removing or demolishing any one-family dwelling, two-family dwelling, townhouse or accessory structure. The code regulates any and all activities that modify the dwellings as well as any structures that are incidental to the main dwelling and are located on the same lot.

Existing dwellings that are legally occupied, per Section R102.7, at the time the *International Residential Code* is adopted, and remain unchanged, are not subject retrospectively to the provisions of the code. However, in accordance with the provisions in Section R102.7.1, any new construction, additions, alterations or repairs made to the existing dwelling after the adoption of the *International Residential Code* are required to conform to the requirements of the code for new construction.

Although new construction, additions, alterations or repairs made to the existing dwelling must comply with provisions for new construction, those portions of the existing dwelling not affected are not required to comply with all of the provisions for new construction. However, new construction shall not create an unsafe condition in the existing dwelling. Changing a non-habitable basement to an occupied space without emergency escape and rescue openings creates an unsafe condition that is in conflict with the provisions of the code intended to insure a safe and usable living environment for the occupants of the dwelling.

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