

Study Session

2

Basic Code Enforcement, Part 2 **Administrative Aspects of Code Enforcement**

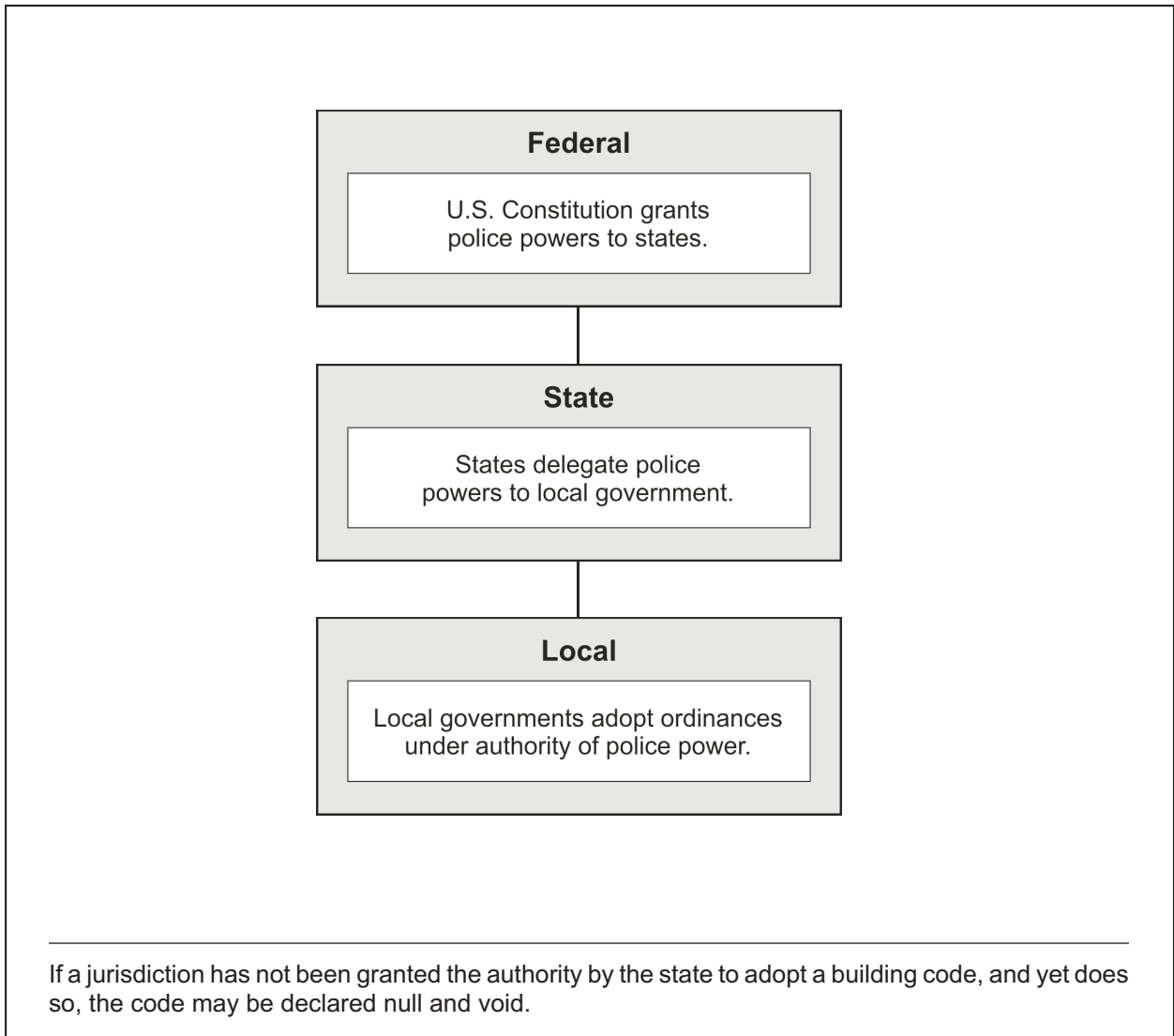
OBJECTIVE: To become familiar with the administration of code enforcement, starting with a general view of the personnel and practices that make up a building department; focusing subsequently on the adoption and enforcement of zoning ordinances; and, finally, examining the building permit process as a means of securing code compliance.

REFERENCE: *Basic Code Enforcement*, Pages 2-1 through 2-73

- KEY POINTS:**
- What is the function of a building safety department?
 - Who are the key personnel of a building safety department?
 - What is the administrative authority of a building official?
 - When and why is a building permit required?
 - How are operational costs offset?
 - How are permit fees calculated? (See also Study Session 6.)
 - What is the definition of zoning?
 - What are the objectives and purpose of zoning?
 - How is a zoning ordinance adopted and prepared?
 - What are the two parts of a zoning ordinance?
 - How does a zoning ordinance adjust for inequities?
 - How is a zoning ordinance enforced?
 - What does a zoning ordinance do?
 - What is a building permit, and why is it required?
 - Why is a permit application required?
 - What are the six typical parts of a building permit?

Text: *A building department is a law enforcement agency within a local jurisdiction. Its main function is to enforce building codes, which are laws. Building codes take the form of ordinances adopted by local governments under the police power delegated to them by the states. The police power of the states to legislate for public health, safety and welfare is granted under the U. S. Constitution. This police power is the source of all authority to enact building codes.*

Discussion and Commentary: As will be discussed further in Study Session 12, Dillon’s Rule, developed by Judge John F. Dillon, is the cornerstone of American municipal law. Simply stated, it dictates that a municipal corporation only has those powers which are expressly granted by charter or other state legislation. For purposes of this discussion, it allows jurisdictions to enact building codes.



Text: Once adopted, the jurisdiction may turn over the administration of the building code to a municipal official, such as a building official, provided that sufficient criteria are given to the code official to establish clearly the basis for decisions as to whether or not a proposed building conforms to the code.

Discussion and Commentary: Although the building official is the primary administrator of the code, he or she is authorized by Section 103.3 of the IBC to appoint deputies who shall have such powers as delegated by the building official. There are many jurisdictions that may only have a one-person department where that person performs administrative, clerical, plan review and inspection duties while other larger jurisdictions may have single or multiple individuals to handle each of these primary functions.

