

Legal Aspects, Permits, and Inspections



The *International Building Code* (IBC) is what is called a model code, which means that it can be adopted by a governmental agency and become law. The IBC is adopted across the country by both state and local government agencies. This chapter describes the adoption process and how the code is enforced through the review of construction plans and the inspection of the work. The building department's authority and code administration responsibilities are discussed.

CODE ADOPTION

In order for a jurisdiction to enforce the IBC, it must first adopt the code as a law. Many states adopt the code through legislation, while others delegate that authority to a specific board or state agency. In some states, the local county, city, town, or parish may adopt the code to regulate construction in its jurisdiction. A sample ordinance is provided in the front of the IBC to assist the jurisdiction with developing the legal portion of the adoption (Figure 2-1). The adopting legislation or ordinance goes through the public hearing process required by the adopting agency. Many jurisdictions develop amendments to the code to address local conditions and needs. When dealing with a local authority, users of the codes are advised to contact the jurisdiction and review any potential amendments.

Codes versus standards

The IBC is generally a performance-oriented code. In some cases, the code references specific documents that regulate materials and methods of

**SAMPLE ORDINANCE FOR ADOPTION OF
THE INTERNATIONAL BUILDING CODE
ORDINANCE NO. _____**

An ordinance of the [JURISDICTION] adopting the 2009 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Building Code*, 2009 edition, including Appendix Chapters [FILL IN THE APPENDIX CHAPTERS BEING ADOPTED] (see *International Building Code* Section 101.2.1, 2009 edition), as published by the *International Code Council*, be and is hereby adopted as the Building Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]
 Section 1612.3. Insert: [NAME OF JURISDICTION]
 Section 1612.3. Insert: [DATE OF ISSUANCE]
 Section 3412.2. Insert: [DATE IN ONE LOCATION]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

FIGURE 2-1 Example of an adopting ordinance

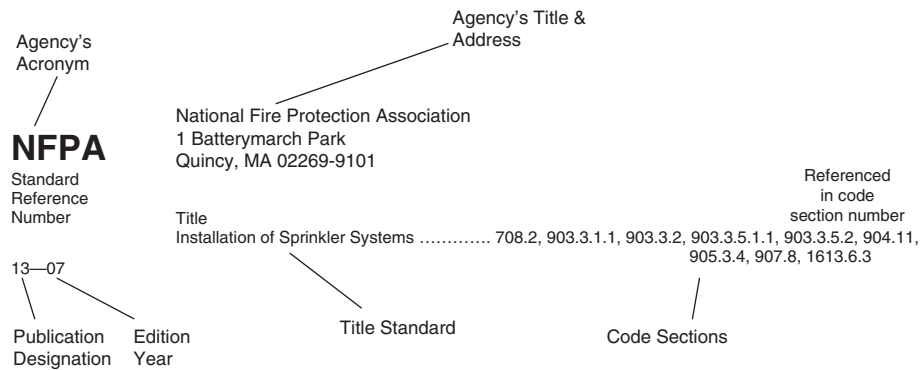


FIGURE 2-2 Referenced standard example

construction to enhance the requirements. These documents are called *reference standards*. Reference standards are written by agencies outside of the International Code Council. The standards are reviewed by the code development committees to ensure that they meet ICC's requirements to be included in the code. When the standards are referenced in the code, they are considered to be a part of the code. Therefore, when a jurisdiction adopts the code, all of the standards listed in Chapter 34 are also considered to be adopted.

There are many types of standards referenced in the IBC. They include structural engineering standards, material standards, installation standards, and testing standards. The standards are referenced in different sections of the code. For example, Section 903.3.1.1 requires that when a building is required to be provided with an automatic sprinkler system in accordance with that section, the system must be installed in accordance with NFPA 13. The National Fire Protection Association (NFPA) publishes different types of fire protection standards that are referenced throughout the IBC. Basically, the IBC regulates when an automatic sprinkler system is required and NFPA 13 provides the installation requirements of the system.

Standards used in the International Building Code

Chapter 35 of the IBC lists all of the referenced standards. They are organized by the promulgating agency and acronym. Each standard is listed with the document's publication designation, edition year, title, and the section of the code where the document is referenced (see Figure 2-2). It is important that the correct edition of the standard is used because the revision dates of the standards do not always coincide with the revision of the IBC. When there are conflicts between the code and a standard, the code provisions apply.

AUTHORITY

When the IBC is adopted by a jurisdiction, it needs to be enforced. To provide for this enforcement, the jurisdiction creates the Department of Building Safety. This department is managed by the building official. This