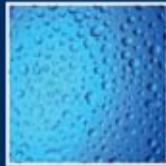
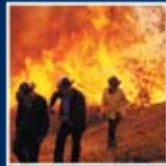


Institute for Business & Home Safety's
Building Code Resources



Model Legislation

This document is intended to serve as a model for drafting legislation in the creation of a statewide building code. Included here are the relevant language and outlines to establish uniform standards and amendment procedures, to form a State Building Code Council and set up supporting departments at the local level, and to designate enforcement authority.

SAMPLE BILL

Relative to state building codes; to provide for scope of building codes; to provide for public policy; to provide for the creation and authority of the (name of state) Building Code Council; to provide for enforcement; to provide for appointment of building officials; to provide for council's code adoption authority; to provide for adoption of a state building code; to provide for applicable codes for inspections; to provide for revocation authority and injunctive relief; to provide for continuing education; to provide authority for the state fire marshal; and to provide for related matters.

State Building Code Council

The (name of state) Building Code Council, hereinafter referred to as the "Council," is hereby created and shall consist of (enter number) members. Each member of the Council shall be appointed by the Governor, for a term of three years and until a successor is appointed. No member of the Council shall receive per diem or other compensation for their duties on the Council.

Of the members initially appointed by the Governor, ** shall serve for terms of one year each, **** shall serve for terms of two years each, and *** shall serve for terms of three years each. Thereafter, all appointments shall be for terms of three years. The Governor may remove appointive members at any time.

The Building Code Council shall be composed of *** members appointed by the Governor consisting of one registered architect, one licensed engineer practicing structural engineering, one licensed general contractor, one licensed engineer practicing electrical engineering, one licensed engineer practicing mechanical engineering, one building code official, one representative of the insurance industry, one representative of the gas industry, one representative of the disabled community, and one representative of the State Fire Marshal.

Any member who shall, during his term, cease to meet the qualifications for original appointment (through ceasing to be a practicing member of the profession indicated or otherwise) or fail to attend three consecutive Council meetings shall thereby forfeit their membership on the Council.

The Governor may make appointments to fill the unexpired portions of any terms vacated by reason of forfeiture, death, resignation, or removal from office. In making such appointment, he shall preserve the composition of the Council required in this Act.

The Building Code Council shall prepare and adopt, in accordance with the provisions of this Article, a Statewide Building Code to govern the construction, installation, reconstruction, alteration and repair of buildings and other structures, and the installation of mechanical devices and equipment therein.

The council shall be responsible for clarifying the intent of the General Assembly and address questions which might arise with respect to provisions of the State Building Code required by this chapter and are binding upon a state or local governmental entity or agency enforcing the State Building Code.

Within 30 days after its appointment, the Building Code Council shall meet on call of the Governor. The Council shall elect from its members a chairperson and vice chair and such other officers as it may choose, for such terms as it may designate in its rules. The council shall adopt regulations under the Administrative Procedure Act in order to implement the provisions of this Part.

The Council shall meet regularly, at least once every three months, at dates and places determined by the Council. Special meetings may be called by the chairperson on their own initiative and must be called at the request of three or more members of the Council within fourteen days of such request. Each member must be notified by the chairperson in writing of the time and place of regular and special meetings at least seven days before the meeting. Each meeting shall be open to the public and any official decision of the Council may be made only by a vote of at least two-thirds of those members in attendance at the meeting provided that a quorum is established prior to a vote. A majority of members of the Council shall constitute a quorum.

State Building Code

The state building code shall establish uniform performance standards within the state and provide reasonable safeguards for health, safety and welfare, and will provide for the use of modern methods, devices, materials and techniques.

The council shall adopt and amend only the latest editions of the following as the state uniform construction code:

(1) International Building Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(2) International Residential Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(3) International Plumbing Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(4) International Mechanical Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(5) International Fire Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(6) National Electrical Code, NFPA 70. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(7) International Energy Conservation Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(8) International Fuel Gas Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(9) International Existing Building Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(10) International Wildland-Urban Code. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(11) Any other codes published by the International Code Council which the Building Code Council deems necessary to fulfill (?) the requirements of this Act.

Enforcement of the Code

All municipalities and counties in this State shall enforce the State Building Code as provided in this Act. Municipalities and counties may establish agreements with other governmental entities of the State to issue permits and enforce building codes in order to provide the services required by this chapter.

The Building Code Council may assist in arranging for municipalities, counties or consultants to provide the services required by this Act to other municipalities or counties if a written request from the governing body of the municipality or county is submitted to the council. Notwithstanding any other provision of law, the governing body of a county or a municipality shall be authorized to set fees for inspections, re-inspections, plans reviews and other activities necessary for the enforcement of the State Building Code. The Building Code Council shall certify a person performing building codes enforcement including building officials, plans reviewers, and inspectors. The council shall establish the requirements and process for the certification and continuing education of code enforcement officers, code enforcement inspectors, and building officials. The Building Code Council may impose fees necessary implement and continue the programs required by this chapter and as set forth by the rules of the Council. The monies collected by the fees shall be retained by the Building Code Council and used to implement and continue the programs required by this chapter.

Each county shall appoint a building official or contract with other political subdivisions so that the unincorporated area of the county is under the jurisdiction of a building official. Each municipality shall appoint a building official or contract for a building official within the municipal limits. Based on the needs established by each municipality or county, the building official or appointing authority may appoint and employ other personnel and assistants necessary to perform the required inspections and duties and may prescribe fees for construction permits and inspections.

Notwithstanding any other provision of law, the governing body of a county or municipality may impose fees necessary to implement and continue the programs required by this chapter upon a vote of a simple majority of the governing body unless a super majority vote is required by local ordinance.

To secure these purposes, the Building Code Council shall certify a person performing building codes enforcement including building officials, plans reviewers, and inspectors. The council shall establish the requirements and process for the certification and continuing education of code enforcement officers, code enforcement inspectors and building officials.

For a violation of the building codes or regulations adopted pursuant to this Part, the local building official may enjoin further construction of the project as provided by local ordinance. The municipal, district, or county attorney, attorney general, or other appropriate authorities of a political subdivision, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding in the district court of the jurisdiction where the violation occurred.

Amending the Code

The Building Code Council may revise and amend the State Building code, either on its own motion or upon application from any citizen, state agency, or political subdivision of the state. The Council shall comply with the same procedural requirements and the same standards set forth in this Act for adoption of the code when amending the code. Amendments to code shall provide more stringent requirements than those specified in the model codes. The state uniform construction code shall be updated every three years.

Local governments and state agencies with building construction regulation responsibilities may provide for more stringent requirements than those specified in the State Building Codes if determined to be more stringent than the State Building Code and approved by the Building Code Council.