

Model Framework for Administrative Regulations under the Construction Act

Extracts From International Building Code
by International Code Council

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General Comments on Framework and Structure of Development of Laws and Regulations

- Regulations and the Building Codes should be kept up to date through review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes should be carefully considered through an open code and regulation development process in which all interested and affected parties may participate.

- The revision process should reflect principles of openness, transparency, balance, due process and consensus. The process should be open to anyone with no cost to participate, and people be able to participate without the need to travel through the use of electronic information exchange methods such as through the use of the internet.

- A broad cross section of interests should be represented in the code and regulation development process. And in order to ensure organisations with direct and material interest in the code have a voice in the process, the Authority Having Jurisdiction should develop partnership with key industry segments that support the public safety mission. It is suggested the following groups (and not limited to) of bodies should be considered as industry partners for this purpose (name does not necessarily reflect the actual party's name):
 - Architects Associations
 - Civil and Structural Engineers association
 - Building Services Engineers Association
 - Quantity Surveyors Association
 - Construction Contractors Association
 - Association of Fire Marshals

- In order to structurally undertake this process and to maintain institutional memory, Committees should be assembled. Code and regulation development committees should evaluate and make recommendations regarding proposed changes to the codes and regulations. The recommendations should then be subject to public comment and a supposed council wide votes.

- The contents of regulations and codes should be subject to change through development cycles and by any governmental entity that enacts the code and regulations into law.

- Some following groups of committees is a suggestion.
 - Administrative Code and Reg. Development Committee.
 - Means of Egress Code Development Committee.
 - Fire Safety Code Development Committee.
 - General Code Development Committee.
 - Structural Code Development Committee.
 - Energy Conservation Code Development Committee.
 - Existing Building Code Development Committee.
 - Fire Code Development Committee.
 - Fuel Gas Code Development Committee.
 - Mechanical Code Development Committee.
 - Plumbing Code Development Committee.

Comments on the current draft of the Building Code

- It is important we learn from the norms and conventions and methods adopted by advanced other nations. It will be to our advantage if we slowly adopt a popular language of the construction industry.
- A comprehensive building code establishes minimum regulations for building systems using prescriptive and performance-related provisions. It should be founded on broad-based principles that make possible the use of new materials and new building designs.
- Hence it is suggested that our construction and building industry adopt codes and standards developed by the international Code Council which comprise a family of many codes of which we could use and trim the content to best fit our needs. This will enable us to develop our industry to slowly meet up to the norms and standards accepted by the international community.
- It is recommended that the content and structure of the current version of the local Building Code be changed to the formats followed by the International Building Codes and the family of other compatible codes to it.

Comments on the Administrative Framework

Unless or until other regulations under Building Act are administrated by specific separate bodies created by a statute (either by Building Act or another Legislation) triggering *transfer of mandates and an amendment to this Building Act concurrently*, the **Administrative Regulation** must be the parent regulation to which all other regulations (stipulated in the Building Act) must compliment. In principle, the Administrative Regulation should address the overall administrative framework to Administrate and Enforce the Building Act.

This regulation must clearly define and establish the limits of applicability of the regulations created under Building Act (together with the Building Code) and must describe how the Building Code is to be applied and enforced. This regulation must also establish the authority and duties of the 'Building Official' appointed by the Authority Having Jurisdiction and also establish the rights and privileges of the design professional, contractor and the property owner.

SCOPE AND APPLICATION (Introduction or 'feshun', related to 'Baabu 1' of existing draft). In the existing draft more clarity needed on this part (Baabu 1). Roles, responsibilities, definitions (refer 174), list of contents etc. Suggestions as follows:

In General

- **Scope:** The provision of Administrative Regulation (including the Building Code) must apply to the;
 - Construction,
 - Alteration,
 - Relocation,
 - Enlargement,
 - Replacement,
 - Repair,
 - Equipment,
 - Use and Occupancy,
 - Location,
 - Maintenance,
 - Removal and Demolition,
- of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions: special cases could be considered as exceptions could be Buildings and Structures made for:

- Military Applications,
- Law Enforcement Agencies,
- Penitentiaries / Prison facilities,

- which may be undertakings by statutory bodies under specific statutes requiring nondisclosure of its contents to general public and the regular administrative framework established under this Building Act (*for the purpose of maintaining state secrecy for its nature and if considered as matters of national security*). Even if these buildings do not fall under the Jurisdiction established under the Building Act, these Buildings and Structures must still be regulated by a separate regulatory framework if not under the provisions of this Building Act. In principle, nothing goes unregulated!

- **Intent (Magsadh):** The Administrative Regulation must state that the purpose of the Act/Regulation and Code is to establish the minimum requirements (for building systems using prescriptive and performance-based codes) to provide a reasonable level of Safety, Public health and general welfare through structural strength, Means of Egress facilities, Stability, Sanitation, Adequate light and Ventilation, Energy conservation and Safety to life and property from fire, explosion and other hazards, and to Provide reasonable level of safety to fire fighters and emergency responders during emergency operations.
- **Referenced Codes (check reference to other codes) Reference is given only to planning code of islands probably meaning land use plans.**

If certain required matters are not addressed in the Building Code document, other codes should be listed or referred to and should be considered to be part of the requirements of the Building Code to the prescribed extent of each such references. Such codes could be but not limited to the following;

- **Fuel Gas Code:** for the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in the building code. These requirements must apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
- **Mechanical Code:** for the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

- **Plumbing Code:** for the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. *(If required, a Sewage Disposal Code to be referred to private sewage disposal systems.)*
- **Property Maintenance Code:** to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
- **Fire Code:** to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
- **Energy Conservation Code:** to all matters governing the design and construction of buildings for energy efficiency.
- **Existing Building Code:** to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

APPLICABILITY (refer to 6&7 of draft) These issues are not covered properly in draft.

- **General:** where there is a conflict between a general requirement and a specific requirement, the specific requirement should be applicable. Where, in any specific case, different sections of the Regulation (and in the case for the application of Building Code which might specify different materials, methods of construction or other requirements), the most restrictive shall govern.
- **Other laws:** The provisions of this Regulation and the Building Code should not be deemed to nullify any provisions of other regulations stipulated by other local laws and in general the Constitution of the country. Matters that appear to conflict or lead to confusion should be referred to the Attorney General and if challenged be resolved in court of law.

- **Application of references:** References to chapter or section numbers, or to provisions not specifically identified by number, should be construed to refer to such chapter, section or provision of the Building Code.
- **Referenced codes and standards:** The codes and standards referenced in the Building Code should be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated as mentioned below:
 - **Conflicts:** Where conflicts occur between provisions of the Building Code and referenced codes and standards, the provisions of the Building Code should apply.
 - **Provisions in referenced codes and standards:** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of the Building Code or the Codes listed under the 'Referenced Codes' above, the provisions of the Building Code or the Codes listed under the 'Referenced Codes', as applicable, should take precedence over the provisions in the referenced code or standard.
- **Partial invalidity:** In the event that any part or provision of the Building Code is held to be illegal or void, this should not have the effect of making void or illegal any of the other parts or provisions.
- **Existing structures:** The legal occupancy of any structure existing on the date of adoption of the Building Code should be permitted to continue without change, except as otherwise specifically provided in the Building Code, referred 'Existing Building Code', the 'Property Maintenance Code' or the 'Fire Code'.
 - **Buildings not previously occupied:** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion should comply with the provisions of the Building Code, as applicable, for new construction or with any current permit for such occupancy.
 - **Buildings previously occupied:** The legal occupancy of any building existing on the date of adoption of the Building Code should be permitted to continue without change, except as otherwise specifically provided in the Building Code, the 'Fire Code' or 'Property Maintenance Code', or as is deemed necessary by the '*Building Official*' for the general safety and welfare of the occupants and the public.

ADMINISTRATION AND ENFORCEMENT ('Thanfeez kurumaai amal kurun')

In order to properly Administrate and Enforce the Building Act, as a minimum to achieve this objective the following must be the established and officials appointed: -

- **'Department of Building Safety'** (*the Enforcement Agency*): Enforcement agencies and other empowered agencies are identified in current code. There is CIDD also. But their roles needs refinement. Following are suggestions: A separate and a specific purpose office from the main functions of the Ministry. This will enable the body to effectively and adequately Administrate and Enforce without hindrance or compromise due to any influencing factors from the custodial Ministry (*which has a broader scope than simply addressing to matters relating to construction / building sector. Even if next government should see fit to change the incumbent government structure with a possibility of omitting the ministry itself, having a separate entity will ensure the continuity of the administration and enforcement in an institutional fashion. This established office should remain and not change as long as the Legislation exists*).

- **'Building Official'**: In draft, they refer to a building inspectors appointed by owners but it is compulsory to projects over 5million (refer 94 of draft). Role of a Building official from the authority is necessary. Suggestions: Should be appointed by the chief appointing authority of the Jurisdiction (*in this case the Minister*). The *Building Official* should be in charge of the office mentioned above to Administrate and Enforce the mandates that will be stipulated to this office.

- **'Deputies'**: In accordance with the prescribed procedures of this Jurisdiction and with the concurrence of the appointing authority, the *Building Official* should have the authority appoint;
 - **Deputy Building Official(s)**, (*this is the logical approach for a devolved government structure where the service will be required at different local councils geographically situated remotely from Capital City*),
 - related **Technical Officers**,
 - **Inspectors**,
 - **Plan Examiners**,
 - **Other Employees / support staff**.

Such employees should have powers as delegated by the *Building Official*.

DUTIES AND POWERS OF BUILDING OFFICIAL

- **Duties and Powers of Building Official:** The *building official* should be authorized and directed to enforce the provisions of the Building Code. The *building official* should have the authority to render interpretations of the Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures should be in compliance with the intent and purpose of the Building Code. Such policies and procedures should not have the effect of waiving requirements specifically provided for in the Building Code.
- **Applications and permits:** The *building official* should receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the Building Code.
- **Determination of substantially improved or substantially damaged existing buildings and structures:** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures, the *building official* should determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, the *building official* should require the building to meet the requirements of the Building Code.
- **Notices and orders:** The *building official* should issue necessary notices or orders to ensure compliance with this code.
- **Inspections:** The *building official* should make the required inspections, or the *building official* should have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections should be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The *building official* should have authority to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- **Identification:** The *building official* should carry proper identification when inspecting structures or premises in the performance of duties under the Building Code.

- **Right of entry:** Where it is necessary to make an inspection to enforce the provisions of the Building Code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of the Building Code that makes the structure or premises unsafe, dangerous or hazardous, the *building official* should have authority to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the Building Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official should first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official should have recourse to the remedies provided by law to secure entry.

- **Department records:** The *building official* should keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records should be retained in the official records for the period required for retention of public records.

- **Liability:** The *building official*, member of the board of appeals or employee charged with the enforcement of the Building Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the Building Code or other pertinent law or ordinance, should not thereby be civilly or criminally rendered liable personally and should be relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.
 - **Legal defence:** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the Building Code should be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate should not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the Building Code.

- **Approved materials and equipment:** Materials, equipment and devices approved by the *building official* should be constructed and installed in accordance with such approval.
 - **Used materials and equipment:** The use of used materials that meet the requirements of the Building Code for new materials is permitted. Used equipment and devices should not be reused unless approved by the *building official*.

- **Modifications:** Where there are practical difficulties involved in carrying out the provisions of the Building Code, the *building official* should have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the *building official* should first find that special individual reason makes the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications should be recorded and entered in the files of the 'Department of Building Safety'.

- **Alternative materials, design and methods of construction and equipment:** The provisions of the Building Code should not be intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the Building Code, provided that any such alternative has been approved. An alternative material, design or method of construction should be approved where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of the Building Code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the *building official* should respond in writing, stating the reasons why the alternative was not approved.
- **Research reports:** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the Building Code, should consist of valid research reports from approved sources.
- **Tests:** Whenever there is insufficient evidence of compliance with the provisions of the Building Code, or evidence that a material or method does not conform to the requirements of the Building Code, or in order to substantiate claims for alternative materials or methods, the *building official* should have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods should be as specified in the Building Code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* should approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests should be retained by the *building official* for the period required for retention of public records.

PERMITS (refer to Baabu 2 of existing draft). Most of the things under this are covered, but in manner difficult to understand. Baabu 2 still needs refinement addressing to the points identified below. Eg:

- **Required:** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Building Code, or to cause any such work to be performed, should first make application to the *building official* and obtain the required permit (building permit).
- **Annual permit:** Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the *building official* should be authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.
- **Annual permit records:** The person to whom an annual permit is issued should keep a detailed record of alterations made under such annual permit. The *building official* should have access to such records at all times or such records should be filed with the *building official* as designated.

- **Work exempt from permit:** Exemptions from permit requirements of the Building Code should not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Building Code or any other laws or ordinances of this jurisdiction. Permits should not be required for the following:

Building:

- One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
- Fences not over 7 feet (2134 mm) high.
- Oil derricks.
- Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids (as prescribed in International Building Code – model code).
- Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
- Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Temporary motion picture, television and theatre stage sets and scenery.
- Prefabricated swimming pools accessory to a Group R-3 occupancy (as prescribed in International Building Code – model code) that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Swings and other playground equipment accessory to detached one- and two-family dwellings.
- Window awnings in Group R-3 and U occupancies (as prescribed in International Building Code – model code), supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

- Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- Radio and television transmitting stations: The provisions of the Building Code should not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- Temporary testing systems: A permit should not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

- Portable heating appliance.
- Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe

Mechanical:

- Portable heating appliance.
- Portable ventilation equipment.
- Portable cooling unit.
- Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Building Code.
- Replacement of any part that does not alter its approval or make it unsafe.
- Portable evaporative cooler.
- Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

- The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work should be considered as new work and a permit should be obtained and inspection made as provided in the Building Code.
- The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

- **Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application should be submitted within the next working business day to the *building official*.
- **Public service agencies.** A permit should not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

- **Application for permit (refer 10) AAM was recommending 4 stage permits. The draft covers in a difficult manner all the permits. Concept permit as per planning regulation means planning permit.** To obtain a permit, the applicant should first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application should:
 - Identify and describe the work to be covered by the permit for which application is made.
 - Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 - Indicate the use and occupancy for which the proposed work is intended.
 - Be accompanied by construction documents and other information as required in Section 'Submittal Documents' mentioned further down in this document.
 - State the valuation of the proposed work.
 - Be signed by the applicant, or the applicant's authorized agent.
 - Give such other data and information as required by the *building official*.

- **Action on application:** The *building official* should examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the *building official* should reject such an application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of the Building Code and laws and ordinances applicable thereto, the *building official* should issue a permit therefor as soon as practicable.

- **Time limitation of application:** An application for a permit for any proposed work should be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension should be requested in writing and justifiable cause demonstrated.

- **Validity of permit:** The issuance or granting of a permit should not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Building Code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the Building Code or other ordinances of the jurisdiction should not be valid. The issuance of a permit based on construction documents and other data should not prevent the *building official* from requiring the correction of errors in the construction documents and other data. The *building official* should be authorized to prevent occupancy or use of a structure where in violation of the Building Code or of any other ordinances of this jurisdiction.
- **Expiration:** Every permit issued should become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* should be authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension should be requested in writing and justifiable cause demonstrated.
- **Suspension or revocation:** The *building official* should be authorized to suspend or revoke a permit issued under the provisions of the Building Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the Building Code.
- **Placement of permit:** The building permit or copy should be kept on the site of the work until the completion of the project.

FLOOR AND ROOF DESIGN LOADS

- **Live loads posted:** In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m²), such design live loads should be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It should be unlawful to remove or deface such notices.
- **Issuance of certificate of occupancy:** A certificate of occupancy required by Section 'Certificate of Occupancy' mentioned further down in this document, should not be issued until the floor load signs, required as mentioned above in 'Live Loads Posted' requirements, have been installed.
- **Restrictions on loading:** It should be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by the Building Code.

SUBMITTAL DOCUMENTS (refer 19 of draft) The current issues of registered designers (architects & engineers) and checkers needs to be addressed.

- **General:** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data should be submitted in two or more sets with each permit application. The construction documents should be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* should be authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The *building official* should be authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the Building Code.

- **Construction documents:** Construction documents should be in accordance with Sections mentioned below;
 - **Information on construction documents:** Construction documents should be dimensioned and drawn upon suitable material. Electronic media documents should be permitted to be submitted where approved by the building official. Construction documents should be of sufficient clarity to indicate the location, nature and extent of the work proposed and should show in detail that it will conform to the provisions of the Building Code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.
 - **Fire protection system shop drawings:** Shop drawings for the fire protection system(s) should be submitted to indicate conformance to the Building Code and the construction documents and should be approved prior to the start of system installation. Shop drawings should contain all information as required by the referenced installation standards in 'Fire Protection Systems' chapter in the Building Code.
 - **Means of egress:** The construction documents should show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of the Building Code. Unless specifically decided not required for certain occupancy groups, the construction documents should designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
 - **Exterior wall envelope:** Construction documents for all buildings should describe the exterior wall envelope in sufficient detail to determine compliance with the Building Code. The construction documents should provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

- The construction documents should include manufacturer’s installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation should fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
- **Exterior Balconies and Elevated Walking Surfaces.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents should include the details for all elements of the moisture barrier system. The construction documents should include manufacturer’s installation instruction.
- **Site plan:** The construction documents submitted with the application for permit should be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, and it should be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan should show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* should be authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.
- **Structural information.** The construction documents shall provide the information specified in in accordance to the relevant sections of the Building Code.
- **Examination of documents (refer 20): A different system is proposed in draft.** The *building official* should examine or cause to be examined the accompanying submittal documents and should ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Building Code and other pertinent laws or ordinances.
- **Approval of construction documents:** When the building official issues a permit, the construction documents should be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed should be retained by the *building official*. The other set should be returned to the applicant, should be kept at the site of work and should be open to inspection by the *building official* or a duly authorized representative.
- **Previous approvals:** The Building Code should not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the Building Code and has not been abandoned.

- **Phased approval:** The *building official* should be authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the Building Code. The holder of such permit for the foundation or other parts of a building or structure should proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Design professional in responsible charge: The current issues of registered designers (architects & engineers) and checkers needs to be addressed in 19 of draft. Where it is required that documents be prepared by a registered design professional, the *building official* should be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who should act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent should designate a substitute registered design professional in responsible charge who should perform the duties required of the original registered design professional in responsible charge. The *building official* should be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge should be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

- **Deferred submittals:** Deferral of any submittal items should have the prior approval of the *building official*. The registered design professional in responsible charge should list the deferred submittals on the construction documents for review by the *building official*. Documents for deferred submittal items should be submitted to the registered design professional in responsible charge who should review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items should not be installed until the deferred submittal documents have been approved by the *building official*.
- **Amended construction documents (21 of draft):** Work should be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents should be resubmitted for approval as an amended set of construction documents.
- **Retention of construction documents:** One set of approved construction documents should be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state laws / local regulations.

TEMPORARY STRUCTURES AND USES (this point is not very clear in current draft)

- **General.** The building official should be authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
- **Conformance.** Temporary structures and uses should comply with the requirements as prescribed in the Building Code relevant sections.
- **Temporary power.** The *building official* should be authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power as prescribed in the Building Code or referred other codes.
- **Termination of approval.** The *building official* should be authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

FEES (Refer to baabu 10 from 99-116) It is matter of agreeing on fees.

- **Payment of fees.** A permit should not be valid until the fees prescribed by regulation have been paid, nor should an amendment to a permit be released until the additional fee, if any, has been paid.
- **Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit should be paid as required, in accordance with the schedule as established by the applicable governing authority.
- **Building permit valuations.** The applicant for a permit should provide an estimated permit value at time of application. Permit valuations should include total value of work, including materials and labour, for which the permit is to being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the permit should be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building permit valuation shall be set by the *building official*.

- **Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits should be subject to a fee established by the *building official* that should be in addition to the required permit fees.
- **Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit should not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by regulation.
- **Refunds.** The *building official* should be authorized to establish a refund policy.

INSPECTIONS (this issue is not covered properly in current draft) In draft, they refer to a building inspectors appointed by owners but it is only compulsory to projects over 5million (refer 94 of draft). Suggestions are as follows:

- **General.** Construction or work for which a permit is required should be subject to inspection by the *building official* and such construction or work should remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection should not be construed to be an approval of a violation of the provisions of the Building Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the Building Code or of other ordinances of the jurisdiction should not be valid. It should be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *building official* nor the jurisdiction should be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- **Preliminary inspection.** Before issuing a permit, the *building official* should be authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- **Required inspections.** The *building official*, upon notification, should make the inspections set forth as mentioned below;
 - **Footing and foundation inspection.** Footing and foundation inspections should be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms should be in place prior to inspection. Materials for the foundation should be on the job, except where concrete is ready mixed in accordance with what is prescribed in the Building Code, the concrete need not be on the job.
 - **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections should be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

- **Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required as prescribed in the relevant sections of the Building Code should be submitted to the *building official*.
 - **Frame inspection.** Framing inspections should be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
 - **Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections should be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.
 - **Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions should not be concealed from view until inspected and approved.
 - **Energy efficiency inspections.** Inspections should be made to determine compliance with Energy Efficiency chapters of the Building Code and should include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
 - **Other inspections.** In addition to the inspections specified from **‘Footing and foundation inspection’** to **‘Fire- and smoke-resistant penetrations’**, the *building official* should be authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Code and other laws and regulations that are enforced by the department of building safety.
 - **Special inspections.** For special inspections, should be carried out as prescribed in the Building Code’s relevant sections.
 - **Final inspection.** The final inspection should be made after all work required by the building permit is completed.
- **Inspection agencies.** The *building official* should be authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
 - **Inspection requests.** It should be the duty of the holder of the building permit or their duly authorized agent to notify the *building official* when work is ready for inspection. It should be the duty of the permit holder to provide access to and means for inspections of such work that are required by the Building Code.
 - **Approval required.** Work should not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, should make the requested inspections and should either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with the Building Code. Any portions that do not comply should be corrected and such portion should not be covered or concealed until authorized by the *building official*.

CERTIFICATE OF OCCUPANCY (Refer to (baabu 4); 46 – 52 of Draft)

- **Change of Occupancy.** A building or structure should not be used or occupied, and a change of occupancy of a building or structure or portion thereof should not be made, until the *Building Official* has issued a certificate of occupancy therefor as provided herein. Issuance of certificate of occupancy should not be construed as an approval of a violation of the provisions of the Building Code or of other ordinances of the Jurisdiction.

Exemptions: Certificates of occupancy are not required for ‘**work exempt from permits**’ (mentioned above in this document).

- **Certificate issued.** After the *building official* inspects the building or structure and does not find violations of the provisions of the Building Code or other laws and regulations that are enforced by the department of building safety, the building official should issue a certificate of occupancy that contains the following:
 - The building permit number.
 - The address of the structure.
 - The name and address of the owner or the owner’s authorized agent.
 - A description of that portion of the structure for which the certificate is issued.
 - A statement that the described portion of the structure has been inspected for compliance with the requirements of the Building Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 - The name of the building official.
 - The edition of the code under which the permit was issued.
 - The use and occupancy, in accordance with the occupancy classification prescribed in the Building Code.
 - The type of construction as defined in the Building Code.
 - The design occupant load.
 - If an automatic sprinkler system is provided, whether the sprinkler system is required.
 - Any special stipulations and conditions of the building permit.
- **Temporary occupancy.** The *building official* should be authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions should be occupied safely. The building official should set a time period during which the temporary certificate of occupancy is valid.
- **Revocation.** The *building official* should be authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the Building Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the Building Code.

SERVICE UTILITIES (Refer to 50)

- **Connection of service utilities.** A person should not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the Building Code for which a permit is required, until released by the *building official*.
- **Temporary connection.** The *building official* should have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.
- **Authority to disconnect service utilities.** The *building official* should have the authority to authorize disconnection of utility service to the building, structure or system regulated by the Building Code and the referenced codes and standards set forth in **Scope** section (mentioned above in this document) in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by '**Service Utilities**' requirements mentioned above in this document. The *building official* should notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system should be notified in writing, as soon as practical thereafter.

BOARD OF APPEALS (Not covered properly in current draft) (check Baabu 11&12) (a committee where things can be appealed is identified in 173 of draft. All the powers of the committee is controlled by the minister. There is no appeal procedure. 173 could be improved to cover below points)

- **General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Building Code, there should be (hereby created) a board of appeals. The board of appeals should be appointed by the applicable governing authority and should hold office at its pleasure. The board should adopt rules of procedure for conducting its business
- **Limitations on authority.** An application for appeal should be based on a claim that the true intent of the Building Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Building Code do not fully apply or an equally good or better form of construction is proposed. The board should not have authority to waive requirements of the Building Code.
- **Qualifications.** The board of appeals should consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

VIOLATIONS (refer Baabu 11)

- **Unlawful acts.** It should be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the Building Code, or cause same to be done, in conflict with or in violation of any of the provisions of the Building Code.
- **Notice of violation.** The *building official* should be authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the Building Code, or in violation of a permit or certificate issued under the provisions of the Building Code. Such order should direct the discontinuance of the illegal action or condition and the abatement of the violation.
- **Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the Building Code or of the order or direction made pursuant thereto.
- **Violation penalties.** Any person who violates a provision of the Building Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the *building official*, or of a permit or certificate issued under the provisions of the Building Code, should be subject to penalties as prescribed by law.

STOP WORK ORDER (refer Baabu 11) 118 – 142 covers extensively on investigations and non-compliance etc

- **Authority.** Where the *building official* finds any work regulated by the Building Code being performed in a manner either contrary to the provisions of the Building Code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.
- **Issuance.** The stop work order should be in writing and should be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work should immediately cease. The stop work order should state the reason for the order and the conditions under which the cited work will be permitted to resume.

- **Unlawful continuance.** Any person who should continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, should be subject to penalties as prescribed by law.

UNSAFE STRUCTURES AND EQUIPMENT

- **Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, should be deemed an unsafe condition. Unsafe structures should be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section/topic. A vacant structure that is not secured against entry should be deemed unsafe.
- **Record.** The *building official* should cause a report to be filed on an unsafe condition. The report should state the occupancy of the structure and the nature of the unsafe condition.
- **Notice.** If an unsafe condition is found, the *building official* should serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice should require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.
- **Method of service.** Such notice should be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local laws and regulations. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof should be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure should constitute service of notice upon the owner.
- **Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy should comply with the requirements of Section relating to '**Permits**' (mentioned above in this document) 'Existing Building Code'.



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