

Building Codes

Whether everyone knows it or not, building codes impact all of us on a daily basis. From our homes, places of employment, churches, stores, restaurants, and basically anything else we can occupy, building codes play a part. How many of us can walk into a structure (be it under construction or completed) and know by looking at it that it has been constructed safely? Probably not very many of us, which is a large part why building codes exist.

Given that the City of Paris enforces building codes, the purpose of this article is to provide the reader with a synopsis on the importance of building codes. A simple Google search will reveal a plethora of articles on this topic, many of which were used to inspire this article and are listed below as references, so the reader is not likely to learn anything new from this that they could not elsewhere. Nevertheless, it is appropriate to provide some thought behind building codes given the City of Paris staff has been tasked with enforcing them.

Where did building codes originate?

Building codes have been around in one shape or form for centuries. From Deuteronomy 22:8 to Hammurabi's Code, it has been a point of concern that construction be done with the health, safety, and welfare of the future occupants in mind.

Oftentimes building codes come about following some disaster, whether it be man-made or natural. Many of the building codes are focused on life safety in relation to fire, and for good reason. In recent centuries, the great fires of Boston (1631 and 1872), London (1666), New York (1776, 1835, 1845), Pittsburgh (1845), San Francisco (1851), Chicago (1871), Baltimore (1904), and even locally our own fires in Paris (1877, 1896, and 1916) and the January 5, 2009 Christians in Action Fire where five men lost their lives has brought about a pursuit of answers and ultimately regulations to try and mitigate the future loss of life and property. Natural Disasters such as tornadoes, earthquakes (1994 California Earthquake), and hurricanes (Andrew in 1992, Katrina in 2005, and Sandy in 2012) have driven a need for stronger and more resilient construction methods to withstand these forces of nature. Many more examples of disasters throughout history can be identified, but when a person wishes to delve in to the commentary behind the building codes, they will see that many codes have come about due to a disaster where people lost their lives and/or property was destroyed. This is why the focus of building codes is to try and keep people and property safe.

Over the years, several different entities have worked individually to develop minimum standards for construction. Finally, in 1994, the International Code Council (ICC) was formed which in time combined several leading code producers to create one uniform code that might be adopted nationally and even internationally. Every three years, due to updates in technology, methods, and safety research, the ICC produces an updated and revised edition of the International Building Code (IBC), International Residential Code (IRC), International Existing Building Code (IEBC), International Electrical Code (IEC), International Fire Code (IFC), and many more. Each of these documents can stand alone, but they are most effective when they are adopted and used in tandem with one another. This process of review and edit is done via a large public forum for transparency and input. Representatives from all aspects of

the construction field come together and, through consensus, works together towards the adoption of revised codes. These codes in of themselves though are not law until adopted by a governmental body. Many states and cities have taken this step to officially adopt these codes, including the State of Texas and the City of Paris.

Does the State of Texas have applicable law on building codes?

The State of Texas adopted S.B. 365 in 2001 which codified Texas Local Government Code (LGC) Sections 214.211 – 214.214 as part of Subchapter G entitled Building and Rehabilitation Codes. This legislation adopted the International Code Council (ICC) International Residential Code (IRC). Then in 2006, by S.B. 1458, the State of Texas codified Section 214.216 in the LGC which formally adopted the International Building Code (IBC) as it existed on May 1, 2003. This law basically states that all municipalities in the State of Texas shall have at a minimum the ICC's 2003 Edition of the IBC. Municipalities were given the authority to approve any newer editions as well as amendments. This section begins with:

“Section 214.216. International Building Code. (a) To protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2003, is adopted as a municipal commercial building code in this state.”

Building codes are not the only laws that impact construction. The Americans with Disabilities Act (ADA) also impacts construction through the Architectural Barriers Act (1968), and locally via the Texas Architectural Barriers Act (TABAA) which is found under Texas Government Code Subchapter 469. The scope of this is listed:

“Section 469.001. Scope of Chapter; Public Policy. (a) The intent of this chapter is to ensure that each building and facility subject to this chapter is accessible to and functional for persons with disabilities without causing the loss of function, space, or facilities. [...] (c) This chapter is intended to further the policy of this state to encourage and promote the rehabilitation of persons with disabilities and to eliminate, to the extent possible, unnecessary barriers encountered by persons with disabilities whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted.”

TABAA is very complicated and is enforced by the Texas Department of Licensing and Regulations (TDLR), but nevertheless it is the duty of those constructing commercial facilities to submit their plans and specifications to the TDLR for review and approval (Section 469.101). The City is also given a task to fulfill:

“Sec. 469.102. Procedure for Submitting Plans and Specifications. [...] (d) A public official of a political subdivision who is legally authorized to issue building construction permits may not accept an application for a building construction permit for a building or facility subject to Section 469.101 unless the official verifies that the building or facility has been registered with the department as provided by rule.”

From these sections of state law, it can be deduced that the State of Texas has determined that health, safety, welfare, and accessibility are priorities in building construction. It can be further deduced that the focus of these codes is to give citizens, owners, users, guests, patrons, neighbors, and overall anyone who will own and/or use, now or in the future, reasonable assurance that the facility has been constructed to minimum standards. This might add cost to the builder and/or owner, and it might add additional steps for builders to follow, but again the focus is on the end user's health, safety, welfare, and accessibility. Furthermore, the State of Texas has made it law that the City of Paris is to have a building code and to cooperate with the TDLR to make sure that facilities subject to the TABA are in compliance. From this, every city in the State of Texas has at least the 2003 IBC, something that has been verified in an online search of the following northeast Texas communities with populations in excess of 5,000:

Confirmed via website:

- [Bonham](#)
- [Commerce](#)
- [Denison](#)
- [Gilmer](#)
- [Gladewater](#)
- [Greenville](#)
- [Longview](#)
- [Marshall](#)
- [Mineola](#)
- [Mt. Pleasant](#)
- [Pittsburg](#)
- [Sherman](#)
- [Sulphur Springs](#)
- [Texarkana, TX](#)
- [Tyler](#)
- [White Oak](#)

Confirmed via phone call:

- Atlanta
- Clarksville
- New Boston
- Reno

Even though the state mandates the existence of a building code, the State does not mandate the enforcement of building codes other than the Plumbing Code (Texas Occupation code 1301.255(e)). It is important for the citizens of Paris to know that the City could opt out of enforcing building codes, but doing so would require specific amendments by the City Council to remove the requirements of pulling a permit and performing inspections. Without these requirements, it would simply be the responsibility

of the builder to follow the State of Texas law on building codes as the City would not have enforcement ability in this matter. Some communities are too small to have the needed resources to successfully enforce this law, so they have no choice but to amend their IBC to not enforce permitting and inspection. Those communities that do have the resources available must then decide whether they will, as a matter of policy, enforce building codes and inspections, including any amendments to the codes. The City of Paris City Council has made the decision that building codes will be enforced.

What is the intended purpose of building codes?

While some see building codes as overregulation and even a burden on development, the purpose of building codes is not to minimize construction costs or timelines, although this is apparently taken in to account during the public forums and discussion, but rather to provide the owner, future owner, guests, patrons, visitors, neighbors, general public, and overall, whomever might use or be impacted by that structure in the future a reasonable assurance that it was built to a minimum standard of safety and quality. This cannot be guaranteed due to limited resources in enforcement, but it is nevertheless the goal. Therefore, building codes make a positive impact on the following issues:

- Accessibility
- Consistency and fairness among builders
- Energy efficiency
- Fire protection
- Lower insurance rates
- Lower ISO rating
- Owner assurance
- Protection of investment
- Public health, safety, and welfare
- Resiliency, stability and sustainability
- Sanitation and water quality
- Tornado and natural disaster safety

To accomplish this though, it is important to recognize that the building codes cannot cover every situation. It should also be understood that building codes are minimum standards; the goal should be to exceed them whenever possible. Therefore, the Building Official is given some discretion to make adjustments to meet the intent of the code so long as life safety and accessibility are not negatively impacted. This can be a very challenging task, but it is nevertheless the duty of all building officials to do their best to enforce the codes fairly and consistently.

As noted, building codes make a positive impact on many issues. They cannot address all situations every time, but they make a good faith effort towards this. It is fair to conclude that a City's level of enforcement of building codes is a reflection of how much these issues matter to the community.

What does the City of Paris enforce and who does this?

The City's Community Development Department is ready and willing to work with everyone wishing to pursue construction of either new and/or existing structures. Our goal is to work quickly and responsively, be professional in all interactions, enforce the codes fairly and consistently, and to keep our community safe. Contact information can be found at the City's website. The City has adopted the following ICC Codes:

- 2015 International Building Code
- 2015 International Existing Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fire Code
- 2015 International Energy Code
- 2015 International Fuel Gas Code
- 2014 National Electrical Code

In addition, please visit our website to view Ordinances 2017-025, 2017-026, and 2017-027 for a list of local amendments.

The following is a summarized step by step process:

- (If elected by the Builder) Pre-Development Meeting with City Staff to discuss project and applicable Codes.
- Submission of Plans to the Building Official.
- Plan Review including any mark ups, questions and discussions.
- Plan Reviewed and Construction Permit issued.
- Inspections to verify compliance with reviewed plans.
- Final Inspection.
- Certificate of Occupancy.

The City strongly recommends that builders avail themselves of a free pre-development meeting or meetings with City Staff prior to construction. Valuable time and money can be saved through this simple step. No definitive timeline can be applied to the above as every project is different. Simple projects obviously move through the steps very quickly while large projects take time and sometimes third party reviews. To make the process more efficient, it is vital that builders, architects, and engineers familiarize themselves with the building codes. Ultimately, it is the builder and not the City who is responsible for the safe and correct construction of a structure. An applicable analogy is driving a car. To drive a car, it is not the Police Officer's responsibility to know the rules for the driver, but rather the driver to know and follow the rules of the road. The more they know and comply with the laws, the smoother and safer their traveling goes. Likewise, it is the responsibility of builders to familiarize themselves with the building codes and not rely upon the Building Official or Building Inspector to know the codes for them. As long as everyone keeps the core issue in mind – the health, safety and welfare of

the future occupant(s) – compliance with the building codes can and will become second nature. Our goal as a City is not to be one of enforcement, but rather to be a partner with builders in complying with the building codes, working together to keep our community, citizens, and visitors safe.

Conclusion

Building codes are a vital element of building our community. They are designed to try and keep people safe and protect their capital investments. While the City staff is tasked with enforcing building codes, we strive to do this in a way that is efficient and effective for builders while never losing sight of the ultimate goal, protecting the public health, safety, and welfare. Please stop in any time to learn more about building codes and how they might apply to you and your project.

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