



National Ready Mixed Concrete Association Statewide Building Codes Model Legislation

NRMCA encourages states to adopt statewide minimum building codes.

One of the critical lessons learned from recent hurricane seasons is that loss of life and property damage and displacement of families and businesses could have been significantly reduced if modern building codes had been adopted and enforced.

NRMCA believes there are multiple benefits to statewide minimum building code.

Preserving Community – Statewide minimum standards for construction preserve our communities and livelihoods by ensuring that our homes, buildings and churches can survive major catastrophes.

Economic Benefits – Statewide minimum codes also promote cost effective construction by providing for economies of scale in production of building materials.

Measurable Performance – Building codes are developed by architects, engineers, contractors, product manufacturers and public officials and are grounded in sound engineering principles that have been thoroughly tested.

NRMCA encourages states to adopt minimum standards based on a national model building code, such as the International Building Code (IBC) and/or the International Residential Code (IRC), with the ability for local jurisdictions to adopt technical amendments that provide for more stringent requirements.

Construction requirements vary with local climate, geological conditions, population, and the resources available within jurisdictions. For example, minimum design requirements may need to be altered if a community recognizes the inability of emergency responders to easily gain access to sites in the event of a large disaster. If a jurisdiction depends on a few critical businesses to remain operational after a disaster it may be necessary to design those structures under more stringent requirements.

NRMCA believes local enforcement of building codes is necessary to assure quality, durable and safe construction.

Mechanisms must be in place to assure buildings are constructed to meet the building code requirements. Local jurisdictions should have knowledgeable building officials to review plans and inspect construction to assure compliance.

About NRMCA and the Model Statewide Building Code Legislation

Founded in 1930, the National Ready Mixed Concrete Association is the leading industry advocate. Our mission is to provide exceptional value for our members by responsibly representing and serving the entire ready mixed concrete through leadership, promotion, education, and partnering to ensure ready mixed concrete is the building material of choice.

A statewide building code adoption ordinance is attached. This model could be used by NRMCA Affiliates, NRMCA members, or others interested in supporting statewide building codes. For additional information on concrete's role in building codes visit www.nrmca.org or contact John Loyer, Sr. Dir. Of State and Local Gov't. Affairs at (703) 675-7603 or jloyer@nrmca.org.

NOTES: The following is a model statewide building code bill that supports the concept of a state adopting a minimum building code still allowing for local jurisdictions to adopt technical amendments that provide for more stringent requirements. This is simply one model. State legislatures would need to add particular clauses dealing with enforcement and administration but this language could form the framework for a state law.



Model Statewide Building Code

THE _____ STATE BUILDING CODE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:

SECTION 1. Statewide Minimum Building Code

- (a) The public policy of _____ is to maintain reasonable standards of construction in buildings and other structures in the state consistent with the public health, life-safety, property protection and welfare of its citizens.
- (b) This Part is enacted to allow the state of _____ to promulgate a statewide minimum building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures and the installation of mechanical devices and equipment therein. The state building code shall establish reasonable safeguards for health, life-safety, property protection, welfare, comfort, and security for the residents of this state who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials and techniques.

SECTION 2. Establishment of the Building Code Council

- (a) The Building Code Council, herein after referred to as the "Council," is hereby created and shall consist of the State Fire Marshal and 20 members represented by at least one architect, 4 engineers, 2 building officials, 1 fire official, 1 home builder, 4 contractors, 1 municipal representative, 1 county representative, 1 state representative, 2 persons from the general public, 2 building material manufacturers, and 1 representative from the insurance industry.

NOTE: Other models for the code council are acceptable so long as they represent a cross section of the interested parties.

- (b) The primary function of the Council is to review and adopt statewide minimum building codes, provide for training and registration of building officials and certify persons performing building code enforcement.
- (c) The Council shall organize by selecting from its members a chairman and other officers as it may choose.



- (d) The Council may adopt rules not inconsistent herewith as it deems necessary to discharge its duties.

SECTION 3. Duties and Powers of the Building Code Council

- (a) The Council shall have the following powers and duties:
 1. To adopt and maintain a statewide minimum building code based on the latest model building code for residential and non-residential construction published by the International Code Council, or such other nationally recognized model codes as the council may deem advisable to adopt.
 2. To update the statewide minimum building code not less than every three years. The Council may consider updating the minimum building code more frequently than every three years.
 3. Subject to the criteria contained in Section 6, to revise and amend the statewide minimum building code to provide for more stringent requirements either on its own motion or upon recommendation from any citizen, profession, or state agency.
 4. Upon approval by a majority of the council, each such amendment, modification or new provision shall be held to be in full force and effect as if it were included in the original adopted code.

SECTION 4. Enforcement of the Statewide Minimum Building Code

- (a) Notwithstanding any other law to the contrary, all counties and municipalities in this state shall enforce only codes provided for in this Part.
- (b) Counties and municipalities may establish agreements with the Council, other governmental entities of the state, or certified third party providers to provide the services necessary to enforce the statewide minimum building code.

SECTION 5. Local Amendments to the Statewide Minimum Building Code

- (a) Local governments may adopt amendments to the technical provisions of the Statewide Minimum Building Code which provide for more stringent requirements than those specified in the Statewide Minimum Building Code, not more than once every 6 months. A local government may adopt technical amendments that address local needs if:
 1. The local governing body determines that there is a need to strengthen the requirements of the Statewide Minimum Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the local resources, topography,



geology, disaster mitigation, or climate of the jurisdiction governed by the local governing body exhibits a need to strengthen the Statewide Minimum Building Code beyond the needs or regional variation addressed by the Statewide Minimum Building Code and that the local need is addressed by the proposed amendment.

2. Any local amendment to the Statewide Minimum Building Code to which a challenge at the local level is not resolved through appropriate due process, shall be reviewed by the Council to determine compliance with Section 5 (a) (1) The Council shall notify the local jurisdiction of its evaluation.

SECTION 6. Amendments to the Model Code.

- (a) The Council may approve amendments to the model code adopted not more frequently than once each year for general applicability upon a finding that the amendment:
 1. Has a reasonable and substantial connection with the health, welfare, life-safety, and property protection of the general public.
 2. Strengthens or improves the model code.
 3. Allows for the use of innovative technology that provides equivalent or better products, methods, or systems of construction.

SECTION 7. Applicability

- (a) Except as provided in subsection (b), the Statewide Minimum Building Code shall apply throughout the state from the time of its adoption.
- (b) Any county or municipality which has adopted a building code in its jurisdiction on or before January 1, 200X, shall enforce the State Building Code within six months after the effective date of this act.

SECTION 8. This act shall take effect and be in force from and after January 1, 200X.