

## KNOW THE CODE

Or risk losing your company

» BRUCE BARKER

The building code, like the weather, is too important to ignore. It can be confusing and contradictory. It can put us behind schedule, and it can cost us money. But unlike the weather, we can understand the building code, and we can use that understanding to improve our product and our profits.

### THE CODE IS A MINIMUM STANDARD

The building code is a minimum standard for dealing with the health and safety of buildings and occupants. Read that last sentence again; it's important. A building built to code is not necessarily well built. It may not fall down or blow up, but it may not satisfy your customer's expectations for quality.

Customers who are not satisfied are not good for business. At best, these customers are not the source of referrals that a business needs to prosper. At worst, these customers may drag you into court.

I frequently hear contractors state, sometimes with pride and sometimes defensively, that they build to code. Building to code says that you build to the minimum standard allowed by the government. This is not the message you want to send to your customers, employees and trade contractors if you want to position yourself as a high-quality contractor. The building code is about health and safety. It is not about quality.

I also hear contractors state that they have always done something a certain way and that nothing bad has happened. It doesn't matter if everybody does something a certain way if that way is contrary to the building code. The first time something bad happens, your failure to comply with the code can kill your business.



Which lighting would you install? Code effects so much and if you are in the West, California Title 24 affects lighting plans since it is designed to limit the available wattage to lighting circuit design specification. Such new energy codes have builders rethinking lighting fixtures and layouts in favor of energy-efficient solutions that meet code; the attached Juno fixtures (right) enable compliance and are ideal for undercabinet lighting, whereas the pendants (left) look fantastic but are noncompliant. But regardless of code, you must follow the manufacturer's instructions for installation.

## IF YOUR COMPANY BUILDS TO CODE, OR WORSE, BUILDS TO PASS INSPECTION, CONSIDER A CULTURE SHIFT.

If your company builds to code, or worse, builds to pass inspection, consider a culture shift. You must comply with building code provisions, but code compliance is not the only part of building a quality structure. The building code is not a manual of best practices: It is a manual of required practices.

### USE MANUFACTURER'S INSTRUCTIONS

One of those little-known required practices is that everything must be installed according to manufacturer's instructions. The building code can't anticipate every component that could be used to construct a building, thus, it defers to the manufacturer to provide instructions about how to install its product. Who better than the manufacturer to know how its product should be installed? Manufacturer's instructions are an enforceable extension of the building code. Read that last sentence again; it's important. Failure to follow manufacturer's instructions is a code violation as surely as if those instructions were written in the code itself. If there is a conflict between the manufacturer's instructions and the code, use the manufacturer's instructions unless the code specifically states otherwise.

### PASSING INSPECTION IS NOT CODE COMPLIANCE

Passing inspection is one of the most misunderstood aspects of the building code. Passing inspection does not mean you have complied with the building code. In fact, the odds are good that you may not have fully complied. Passing inspection could mean that the inspector either failed to discover your noncompliance, or that he elected to ignore it. Either way, you are liable for any failure to comply.

Only two ways exist to justify failure to comply with the building code. One is when the local building authority has, in writing, deleted or modified a code provision. The other is when you have a written waiver from the building authority that deals with a code provision. You are liable for code compliance in all other circumstances, even if the building passes inspection.

Who cares if there are code violations when the building passes inspection? Your customer's attorney cares. We

all hope that problems don't occur. But sooner or later, you may encounter that impossible-to-please customer who is or has a friend who is an attorney. In this unfortunate situation, the attorney will probably call someone like me. Armed with tools, time, permission to do destructive testing, and a detailed knowledge of the building code, this person will try to find every failure to comply with the building code and every failure to comply with manufacturer's instructions. The attorney will use every failure to show not only that you breached your contract with your customer, but also that you were negligent. Negligence claims are the company-killers.

### YOU ARE RESPONSIBLE FOR CODE COMPLIANCE

This leaves contractors in an awkward position regarding building code compliance. You can't rely on the building inspector to protect you from code violations because his inspection is not a guarantee of code compliance. The only person you can rely on is yourself. You are responsible for knowing your local building code. You are responsible for making sure every trade contractor and employee complies with the building code. 🏠



Bruce A. Barker is president of Dream Home Consultants LLC—a Phoenix, Ariz.-based building inspection and consulting firm—and a member of the American Society of Home Inspectors. Barker is also a member of the International Code Council and the Independent Home Inspectors of North America.

623-328-8629  
INSPECTORBRUCE@COX.NET  
DREAMHOMECONSULTANTS.COM

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