

510-RICR-00-00-9

TITLE 510 – Building Code Commission

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 9 – Enforcement and Implementation Procedure for Projects Under the Jurisdiction of the State of Rhode Island

9.1 Statement of Need

Pursuant to the R.I. Gen. Laws Chapter 23-27.3, the Building Code Standards Committee has promulgated Regulation SBC-9, as amended, dated August 1, 2007. In accordance with R.I. Gen. Laws §§ 23-27.3-109.1(1) through (4) of the Code, the Committee has the authority to adopt appropriate rules and regulations when necessary to maintain the State Building Code current with national model codes and standards.

9.2 Administration

9.2.1 TITLE

- A. As authorized by R.I. Gen. Laws Chapter 23-27.3, 1956 as amended, and in accordance with R.I. Gen. Laws §§ 23-27.3-108.2 and 23-27.3-109.1 of the State Building Code, the Building Code Standards Committee has promulgated the following rules and regulations for enforcement and implementation of this Code by the State Building Commissioner as to any structures or buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction of the State of Rhode Island or any of its departments, commissions, agencies or authorities and as to any structures or buildings or parts thereof that are built upon any land owned by, or under the jurisdiction of the State of Rhode Island or any of its departments commissions, agencies or authorities.
- B. All other existing provisions shall remain in effect; amend section 1, 2, and 3 as follows:

9.2.2 ENFORCEMENT

The provisions of R.I. Gen. Laws § 23-27.3-1, Administration and Enforcement, shall apply to all projects under the jurisdiction of the State Building Commissioner.

9.2.3 DESIGN AND CONSTRUCTION PROCEDURES

- A. The following provisions of R.I. Gen. Laws § 23-27.3-128.0 shall be enforced for design and construction control for projects under the jurisdiction of the Commission.
- B. R.I. Gen. Laws § 23-27.3-128.0 Design and Construction Procedures
 - 1. R.I. Gen. Laws § 23-27.3-128.1 Scope: The provisions of this section shall define the responsibility required of the owner, architect, engineer, contractor and Building Official during the design, construction and testing process for new or renovated buildings or structures.
 - a. Owners Responsibilities:
 - (1) The owner shall be responsible for providing the services as required in R.I. Gen. Laws § 23-27.3-128.3(1)(3).
 - (2) When the owner retains, or is required by the building official to retain the services of an architect or an engineer who shall provide the services as required in R.I. Gen. Laws § 23-27.3-128.2.2.
 - (3) The building official shall require the owner to certify to the requirements of §§ 9.2.3(B)(1)(a)((1)) or ((2)) of this Part prior to the issuance of a permit to the owner or his agent.
 - b. Architect/Engineer Responsibilities:
 - (1) R.I. Gen. Laws § 23-27.3-128.2.1 Drawings and Specifications: All drawings, specifications and computations for new construction, alteration, repair, or expansion work involving the practice of professional engineering or architecture as defined by Rhode Island State Law, shall be prepared by professional engineers or registered architects as licensed or registered by the State of Rhode Island. All said drawings, computations and specifications required for a building permit application for such work must be prepared by or under the direct supervision of a professional engineer or registered architect and bear his signature and seal in accordance with the Rhode Island statutes and regulations governing the professional licensing or registration of engineers or architects and shall signify to the best of his knowledge that the drawings, computations and specifications shall meet the applicable provisions of this

code and acceptable engineering practices and all applicable laws and ordinances.

- (2) R.I. Gen. Laws § 23-27.3-128.2.2 Responsibilities: A professional engineer or registered architect on behalf of the owner shall be responsible for the following:
 - (AA) Review of the shop drawings, samples and other submittals of the contractor as required by the construction contract documents submitted for permit and approval for conformance to the design concept.
 - (BB) All change orders to the contract documents shall be submitted to the Building Official after approval by the professional engineer or registered architect.
 - (CC) Review and approval of the testing procedures listed in R.I. Gen. Laws § 23-27.3-128.4 and referenced standards within each code. The engineer or architect shall notify the owner, building official and contractor of any deviations and the required corrective measures taken.
 - (DD) Insure special engineering or architectural inspection of critical construction components requiring controlled materials or construction specified in the accepted engineering practice standards as listed in referenced standards within each code.
 - (EE) The professional engineer or registered architect or his representative shall provide the necessary professional services and be present on the construction site on a regular and periodic basis to determine that, generally, the work is proceeding in accordance with the documents approved for the permit.
- (3) R.I. Gen. Laws § 23-27.3-128.2.3 Reporting: The professional engineer or registered architect shall submit periodically in a form at regular construction inspection intervals acceptable to the building official, a progress report together with pertinent comments. At the completion of construction, the engineer or architect shall submit to the building official a report as to the satisfactory completion and

the readiness of the project for occupancy (accepting any items not endangering such occupancy or operation and listing pertinent deviations from the approved permit documents).

- (4) R.I. Gen. Laws § 23-27.3-128.3 Construction Contractor Responsibilities: The actual construction of the work shall be the responsibility of the owner or the contractor designated as his agent and who shall:
 - (AA) Perform all work in accordance with the construction documents on file with the building official.
 - (BB) Perform all work in a safe and satisfactory manner in accordance with all applicable local, state and federal statutes and regulations.
 - (CC) Upon completion of the construction shall certify to the best of his knowledge and belief that such work has been done in substantial accord with §§ 9.2.3(B) (1)(b)((4))((AA)) and ((BB)) of this Part above and with all pertinent deviations.
 - (DD) Testing Required: The referenced standards listed in the appendices or the test of this Code contain many field or agency tests which are required for the proper installation or erection of any buildings or structure and its component structural, electrical, mechanical, plumbing assemblies. It shall be the responsibility of the engineer or architect to specify the tests as required by this code and its standards; the owner contractor shall then secure the services of a laboratory to perform said test. The engineer or the architect shall file the periodic test reports and report any deviations or any corrective measures to be taken as required by R.I. Gen. Laws § 23-27.3-128.2.2(3).
 - (EE) Examples of Testing Required – among others:
 - (i) Soil testing for loading conditions and water levels.
 - (ii) Concrete testing for strength i.e. slump test, cylinders, core tests, etc.

- (iii) Structural steel testing for welds, bolts and rivets in accordance with industry standards.
- (5) R.I. Gen. Laws § 23-27.3-128.5 Building Officials Responsibilities: The building official shall be responsible for carrying out the duties and responsibilities as outlined in Article I of this Code with regard to the issuing of permits, the maintenance of records, the performance of inspections and any other administrative procedures except as may be specifically exempt herein. Nothing contained in this section shall have the effect of waiving or limiting the building official's authority to enforce this Code with respect to examination of the contract documents, including the plans, computations and specifications, and related field inspections.
- (6) R.I. Gen. Laws § 23-27.3-128.5.1 Waiver of Plan Examination: The examination of plans may be waived when the plans for the erection or alteration of a building are prepared by a professional engineer or architect and said professional engineer or architect has stated in writing that he has supervised the preparation of the architectural, structural, electrical, plumbing and mechanical design contract documents and that he will review and approve all working drawings for said construction and that said document shall conform to all provisions of this Code and all rules and regulations adopted under its provisions.
- (7) R.I. Gen. Laws § 23-27.3-128.5.2 Waiver of Detailed Field Inspection: The building official may waive the detailed department field inspection when the professional engineer or architect certifies that the construction work will be built under his field observations and in accordance with the approved contract documents, and that he will certify to the best of his knowledge, information and belief that the construction is in substantial, accordance with said documents and that he will submit a report in compliance with R.I. Gen. Laws § 23-27.3-128.2.3.
- (8) R.I. Gen. Laws § 23-27.3-128.5.3: The building official may utilize this inspection waiver, in whole or in part, but he must cause sufficient plan review and construction inspection by the building official or staff to insure that:

(AA) The proposed usage and facilities are in conformance with the zoning ordinances and this Code:

- (i) The contractor is maintaining the required construction safety; and
- (ii) The professional engineer or registered architect is, in fact, providing the necessary inspections; and
- (iii) State approvals for septic systems, wetlands, and fire safety code provisions have been submitted prior to the issuance of a permit by the building official.

(9) R.I. Gen. Laws § 23-27.3-128.5.4 Building Permit Issuance or Requirements:

(AA) This special professional service requirement shall be determined prior to the issuance of any permits and shall be a prerequisite for the permit issuance. Refusal by the owner to provide such service as required by the building official shall result in the denial of their permit. However, the owner may file an appeal as provided in R.I. Gen. Laws § 23-27.3-127.1.

(10) R.I. Gen. Laws § 23-27.3-128.6 Special Technical Services: When application for unusual designs or magnitude of construction are filed, the building official may refer such plans and specifications to the State Building Commissioner, or he may in his discretion, retain a professional engineer or architect, for advice and recommendations as to said plans and specifications, safety design and compliance with this Code. The building official may also employ a professional engineer or architect to observe the construction in the field to insure compliance with approved plans and permit. Upon completion of the work the architect or engineer employed, shall file with the building official a report to the effect that to the best of his knowledge and belief, the building has been erected in accordance with accepted engineering practice and in conformity to all the statutory provisions governing building construction for the designated use group classification of the building structure, in respect to use, fire

grading, floor and occupancy loads. All fees and costs related to the performance of special technical services shall be borne by the owner.

- (11) R.I. Gen. Laws § 23-27.3-128.7 Fees and Costs: All fees and costs related to performance of special professional services shall be borne by the owner.

9.3 Appeals

9.3.1 GENERAL

Anyone aggrieved by a decision of the Commissioner may appeal to the State Board of Appeals in accordance with the provisions of R.I. Gen. Laws § 23-27.3-127.1 of the State Building Code. No fee shall be charged to any state agency, department, commission or authority for an appeal.

9.4 Fees State Building Permits

9.4.1 NEW BUILDINGS, ADDITIONS, ALTERATIONS, STRUCTURES, ETC.

A. STATE PERMIT FEE SCHEDULE

VALUATION	FEE FACTOR	FEE
From \$0 to \$3,000	---	\$30.00 Flat Fee
From \$3,001 to \$10,000	.01	\$30.00 minimum to \$100.00 maximum
From \$10,001 to \$20,000	---	\$100.00 Flat Fee
From \$20,001 to No Limit	.005	\$100.00 minimum to no maximum

1. In these two ranges of valuations, multiply the valuation (cost of construction) times (x) the fee factor to determine the fee.
2. All fees shall be paid by check, money order or state transfer forms (BFT). Cash is acceptable only for fees less than \$100.00.

3. Multiple permit applications can be paid for on one check, but insert the individual fees on each permit application.
4. Occasionally, subcontractor fees (E, M, P) have been prepaid by the General Contractor. Check the permit log or see Commissioner if there are any questions. Do not refuse the application.
5. Mechanical, Electrical, Plumbing and Roofing permit applications must be accompanied by a copy of the contractor's license (front and back). General Contractors are not required to be licensed at this time.

B. PLAN REVIEW FEES

1. The Following shall be charged for performing plan reviews in order to determine code compliance on behalf of local municipalities. Applications for plan reviews shall be accompanied by a letter of authorization from the local building official and the required plan review fee.

C. BUILDING VALUATION FEE (*Based upon latest available ICC Building Valuation Data Document HEARING FEES)

1. \$0-\$500,000.00 (.0020) (.20%) of building valuation but not less than \$100.00
2. Over \$500,000.00: \$1,000.00 plus .001 (.10%) of building valuation over \$500,000.00 (not charged to State Agencies)
3. State Board of Standards and Appeals Hearing Application Fee (not charged to state agencies): \$100.00
4. Stenographic costs for hearing held on behalf of municipalities without appeal boards shall be paid by each municipality.
5. Stenographic costs for hearings held as an appeal to municipal or state action shall be paid by the appellant.

D. DEMOLITION OR MOVING

1. (No revision of wrecking permits allowed)
2. Each residential building, accessory building or structure of use
 - a. Group R3 or R4: \$50.00
 - b. All other buildings or structures: \$100.00

E. SPECIAL ENGINEERING FEES

1. Special engineering fees shall be a multiple of direct personnel costs as negotiated by the Commissioner on each program or project requiring said services.

F. CODE BOOKS:

State Code Book Prices			
All prices include RI Sales Tax			
CODE	TITLE	SUGGESTED VENDORS	Additional Fee Mail Ordering
SBC-1-2004	International Building Code 2006 Edition	Available through the following suggested vendors: International Code Council 4051 West Flossmoor Road Country Club Hills, IL 60478-57945 1-800-323-1103	None
	RI Amendments (PDF)	\$10.00	\$2.50
SBC-2-2004	Rhode Island One & Two-Family Code International Residential Code 2006 Edition	Available through the following suggested vendors: International Code Council 4051 West Flossmoor Road Country Club Hills, IL	None

		60478-57945 1-800-323-1103	
	RI Amendments (PDF)	\$10.00	\$2.50
SBC-3-2004	State Plumbing Code International Plumbing Code 2006 Edition	Available through the following suggested vendors: International Code Council 4051 West Flossmoor Road Country Club Hills, IL 60478-57945 1-800-323-1103	None
	RI Amendments (PDF)	\$5.00	\$2.50
SBC-4-2004	State Mechanical Code International Mechanical Code 2006 Edition	Available through the following suggested vendors: International Code Council 4051 West Flossmoor Road Country Club Hills, IL 60478-57945	None

		1-800-323-1103	
	RI Amendments (PDF)	\$5.00	\$2.50
SBC-5	National Electrical Code 2005 Edition (incl. Amendments)	<p>\$60.00</p> <p>Currently in-stock – Call for availability</p> <p>The National Electrical Code 2005 Edition is also available from:</p> <p>NFPA</p> <p>1 Batterymarch Park</p> <p>PO Box 9101</p> <p>Quincy, MA 02269-9101</p> <p>1-800-562-1197</p>	None
	RI Amendments (effective 2006) (PDF)	\$3.00	\$1.00
SBC-6	Reserved	None	
SBC-7	Reserved	None	
SBC-8-2004	State Energy Code International Energy	Available through the following suggested vendors:	

	Conservation Code 2006 Edition	International Code Council 4051 West Flossmoor Road Country Club Hills, IL 60478-57945 1-800-323-1103	
	RI Amendments (PDF)	\$5.00	\$1.00
SBC-9	Enforcement and Procedures Under Jurisdiction of RI (2007)	\$0.00	\$0.00
SBC-10	Code Interpretation (1998)	\$0.00	\$0.00
SBC-11	Certification of Local Officials and Inspectors (Effective 1/1/03)	\$0.00	\$0.00
SBC-12	New Materials and Methods of Construction (1998 Edition)	\$0.00	\$0.00
SBC-13	Building Code Provisions for Existing	\$0.00	\$0.00

	Schools (1997)		
SBC-14	Reserved	None	
SBC-15	Reserved	None	
SBC-16	Reserved	None	
SBC-17	Public Buildings Accessible (1998)	\$0.00	\$0.00
SBC-18	Native Lumber (1998)	\$0.00	\$0.00
SBC-19-2004	State Fuel Gas Code International Fuel Gas Code 2006 Edition	Available through the following suggested vendors: International Code Council 4051 West Flossmoor Road Country Club Hills, IL 60478-57945 1-800-323-1103	
	RI Amendments (2007 Edition) (PDF)	\$5.00	\$2.50
SRC-1	State Rehabilitation Code	\$25.00	

a. Effective 5/1/02

- b. ANSI A117.1-03 is also available from: ANSI, 11 West 42nd Street
New York, NY 10036
- c. Call the respective organization for pricing and availability. Local
sources may be available for direct pickup. Call this office (222-
3033) for further details.
- d. Website for amendments: <http://rules.sos.ri.gov>

510-RICR-00-00-9

TITLE 510 - BUILDING CODE COMMISSION

CHAPTER 00 - N/A

SUBCHAPTER 00 - N/A

PART 9 - RISBC-9 ENFORCEMENT AND IMPLEMENTATION PROCEDURE

Type of Filing: Post Promulgation Technical Revision

Department of State

Regulation Effective Date

Original Signing Date

Department of State Initials

Department of State Date