

Zoning

In addition to the other responsibilities that the building official has, most cities or towns also designate the building official as the Zoning Enforcement Officer. The Zoning Act, Massachusetts General Law Chapter 40A provides guidelines for issues relating to zoning.



The Act empowers towns to establish additional zoning by-laws. These can range in length from 50 pages to hundreds of pages depending on the community. Once these laws have Professionalism been approved by the Attorney General's office, it is then the responsibility of the Building Official/Zoning Enforcement

Officer to interpret and enforce these Zoning By-laws.

The need for effective communication and negotiation skills in this position can not be overemphasized. The Building Official must have the ability to conduct him or herself in a professional and knowledgeable manner, staying up to date with the adopted regulations and definitions. It requires constant input and contact with Town Counsel, Zoning Board of Appeals, Planning Board and other regulatory boards.

The need to attend meetings and seminars, which provide on-going training in the area of zoning enforcement is essential to effectively carry out his or her responsibilities.

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General Inspections

In conjunction with annual inspections, the Building Official is also responsible for on-going inspections relating to building permits which have been issued. These consist of foundation, frame, insulation and final inspections.

The Building Official is looking to determine that the project is being built in accordance with the minimum standards as outlined in the Massachusetts State Building Code. In some cases it requires several inspections and re-inspections if the work is not done in accordance with the code. The result from failing to perform these inspections can be disastrous, and therefore it is important that the Building Official be qualified and certified to perform these inspections and also have the proper staff necessary to do so in a timely and professional manner.

Public Safety

The driving force behind the Massachusetts State Building Code, Zoning Bylaws, and other regulations is **Public Safety**.

In an effort to ensure public safety, the Building Official works closely with other agencies, including the Fire Department, the Board of Health, the Conservation Commission, the Historical District Commission, the Architectural Access Board, FEMA and DEP, as well as working with the Town Administrator or Board of Selectmen.



The ultimate goal is to ensure that buildings and structures are constructed in such a way as to provide Maximum safety and adequate protection for the intended occupants, to that end **Building Officials Are on Your Side.**

Marshfield Building
Department

**BUILDING
OFFICIALS
ARE ON YOUR
SIDE**

*Ensuring Public Safety
through Professionalism*



*The Role and
Responsibilities of
Building Officials*

The Building Code

The Massachusetts State Building Code, 780 CMR became a statewide code in 1975. The code came into effect out of the concern for public safety. Based on a number of unfortunate tragedies, it was determined that a statewide uniform code was necessary to ensure public safety.

The code is a very comprehensive document, which provides minimum standards for construction and covers buildings of all different sizes, from small sheds to high-rise buildings. The Code is administered by the State Board of Building Regulations and Standards. Periodic revisions are made based on changes in industry standards and also to address issues of public safety.

Within the local cities or towns, the building official is responsible for the enforcement of the Massachusetts State Building Code and does so on a day to day basis. This involves the review of applications and plans submitted for a building permit, and the inspection of said buildings once the permits have been issued.

Additionally, the building official is responsible for the issuance of a Use and Occupancy permit once construction has been completed, which would then allow the building to be used.

The issuance of the Use and Occupancy Permit indicates that the building complies with all of the requirements of the Massachusetts State Building Code and any other applicable codes including, but not limited to, the Architectural Access Regulations, FEMA's Flood Plain Regulations and any other local zoning bylaws or regulations.

Certification and Continuing Education

The Board of Building regulations and Standards, under the authority granted by Massachusetts General Law, Chapter 143 Section 94, established a Standing Certification Committee in 1992.

The Certification Program is a regulation within the State Building Code, 780 CMR R-7. This regulation requires that Building Officials become certified and maintain that certification in order to continue to serve as either an Inspector of Buildings/Building Commissioner or Local Inspector.

Currently there are more than 800 individuals who have been certified by this board. The certification exam for Local Inspectors consists of technical aspects of residential construction, general construction and fire protection. The exam for Inspector of Buildings/Building Commissioner covers those areas as well as technical, legal and managerial aspects of the position. These are nationally recognized, code related exams offered periodically through out the year.

Once a Building Official has become certified he or she is required to maintain that certification by accumulating a minimum of 45 hours of training credit every 3 years.

It is extremely important that cities and towns become familiar with the certification program. Because of the importance of this position and the legal ramifications to cities and towns it is vital that qualified and certified building officials be appointed to these positions.



Annual Safety Inspections

The Massachusetts State Building Code requires that Building Officials periodically inspect and certify certain buildings and structures. It also states that a building or structure shall not be occupied or continue to be occupied without posting a valid Certificate of Occupancy and Certificate of Inspection. The buildings that are included under this section are places of assembly, such as movie theaters, night clubs, churches, stadiums, schools, child day care centers, hospitals, nursing homes, hotels, motels and multi-family dwellings. The Building Official is concerned with public safety, the egress and ingress doors, emergency lighting, exit signs, fire protection systems, exhaust and ventilation systems, fire doors, swimming pools, etc. The Building Official's failure to properly perform these inspections could jeopardize the life and safety of the occupants of the building and this could leave the city or town open to possible litigation for failure to comply with this requirement. The community must provide adequate personnel to properly perform these inspections in a timely manner, to ensure that the structure is properly maintained, and that it continues to provide safe and adequate protection for the intended occupants.

