

AVAILABLE RESOURCES FOR CODE ENFORCEMENT OFFICIALS





EDWARD LARKIN, PE, NYSCCEO, LEED AP

Vice President

Regional Manager Buildings Engineering

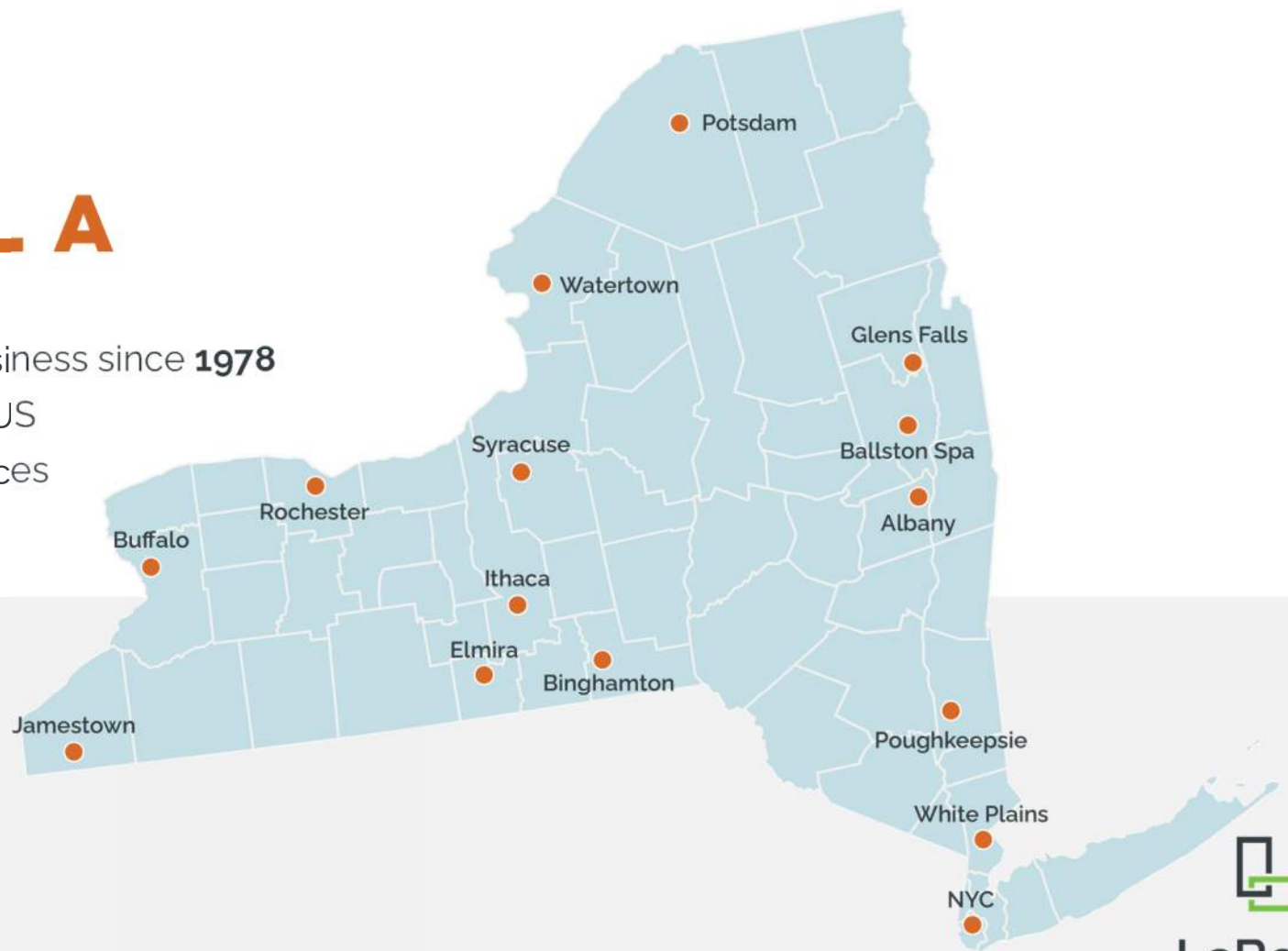
Manager Building Code & Life Safety Services



As the Regional Manager of Buildings Engineering in the Eastern Region, Ed leads a diverse and talented team of Structural, Mechanical, Electrical and Fire Protection engineers. In addition to design professionals, Ed's team includes the firm's Building Code and Life Safety Services group that provides consulting services to both municipalities and private sector clients (including our internal architecture practice), as well as a small Construction Services team that specializes in Owner's Representative Services on large and technical complex projects.

ABOUT LABELLA

- Full-service firm in business since **1978**
- **36 Offices** across the US
- **15 New York** state offices
- Over **1,700** employees
(~950 in NYS)



LaBella
Powered by partnership.



BUILDING CODE SERVICES

STATEWIDE SUPPORT

LOCAL GOVERNMENT

- City of Binghamton
- City of Glens Falls
- City of New Rochelle
- City of Mount Vernon
- City of Rye
- City of Saratoga Springs
- City of Utica
- City of Yonkers
- Town of Lewisboro
- Town of Malta
- Town of Paris
- Village of Briarcliff Manor
- Village of Pawling
- Village of Port Chester
- Village of Menands

STATE AGENCIES

- NYSOGS
- DASNY
- ORDA
- NYSERDA

COUNTIES

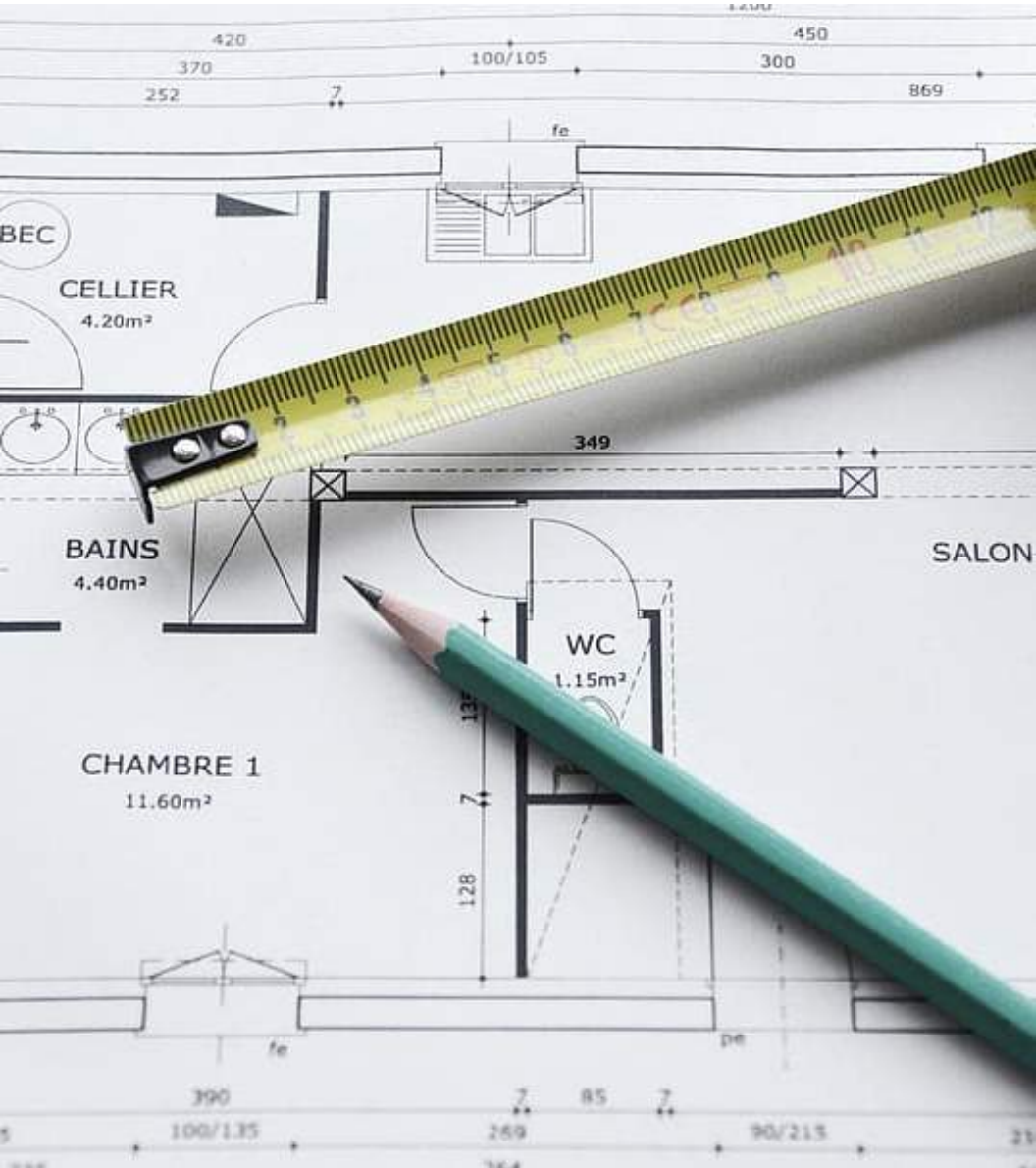
- Dutchess
- Warren



BUILDING CODE SERVICES

IN ALL FACETS OF
CODE ENFORCEMENT
AND BUILDING
CONSTRUCTION

- **Plan Review, Including Cloud-based Collaboration & DOR Engagement**
- **BESS, Hazardous Materials and Other Specialty Construction**
- **Inspection Services**
- **Review & Oversight of Special Inspections**
- **Delegated Design & Deferred Submittal Reviews**
- **Code Analysis & Interpretation**
- **Alternative Means & Methods**
- **Review and Guidance for State Variance Application Support**
- **More Restrictive Local Standards**
- **Policies, Procedures & Department Efficiency Consulting**



WHO'S HERE

Building Code Officials

Building Code Inspectors

Engineers

Architects

Contractors/Builders

Municipal Government (other)

WHAT ARE YOUR CHALLENGES?

While every jurisdiction in New York State faces different challenges, there are common issues that nearly all Building Departments face.



AVAILABLE
RESOURCES/
BUDGET
CONSTRAINTS



QUALITY OF
DESIGN
PROFESSIONAL
AND CONTRACTOR



EMERGING
TECHNOLOGIES/
TECHNICAL
EXPERTISE

REQUIRED BY LAW

NYCRR, TITLE 19, PART 1203 (1204)

MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT

REFERENCES **ARTICLE 147 OF NYS EDUCATION LAW.** NYSED REGULATES DESIGN PROFESSIONALS

NYS DEPARTMENT OF LABOR REGULATES CONTRACTORS



Department of State



Department of Labor





DEPARTMENT OPERATIONS

1. ADMINISTRATION

2. NEW CONSTRUCTION

i. Planning/Zoning

ii. Building Code

3. BUILDING CODE ENFORCEMENT

4. ANNUAL INSPECTIONS

5. COMPLAINTS

6. QUESTIONS/CODE INTERPRETATIONS

Building Official/AHJ CEO

- Supervisor charged with the administration and enforcement of local municipal codes and the New York State Uniform Fire Prevention and Building Code.
- Supervisor of department staff.
- Oversees daily office operations.
- Responsible for implementation of operational efficiency initiatives.
- Oversee and coordinate with 3rd party building department support services.
- Works with City IT department to ensure software is being used effectively.
- Develop policies and procedures for department operations.
- Prepares departmental reports.
- Prepares annual building department budget for Department of State.

Building Code

- Reviews building permit applications, construction plans and specifications for compliance with the Building Code.⁽¹⁾
- Meets with applicants to discuss proposed projects.
- Approves issuance of building permits.
- Inspects buildings during construction, alteration, and repair as required to determine adequacy of work and the entire structure with the Building Code.
- Issues enforcement actions, including violations, stop work orders, certificates of compliance and certificates of occupancy.
- Collaborates with the Fire Chief on fire and life safety concerns.

Planning/Zoning Support

- Provides technical support to Planning/Zoning Board Administrator.
- Reviews and approves zoning compliance letters.

Building Inspector(s)

- Review and respond to public complaints.
- Provides review support for building permit applications.⁽¹⁾
- Provides construction inspection support for new construction projects.⁽¹⁾
- Performs daily field/drive by inspections for property maintenance and City charter compliance.
- Provides data and coordinate with Clerk on data entry and record building.
- Creates inspection reports and inputs that link directly to IPS system.

Building Department Clerk

- In person contact for phone calls and walk-in visits from public for building permit, zoning and planning applicants.
- Record messages for department.
- Review applications for completeness and distribute to Building Official or Planning/Zoning Board Administrator as applicable.
- Research and responding to FOIL requests.
- Creates and maintains digital records – IPS and Server.
- Maintain, scan, and organize physical files for building permit applications.
- Provide backup/support for Planning/Zoning

Planning/Zoning Board Administration

- Field comments from public on zoning and planning projects/applications.
- Research and drafting of zoning compliance letters.
- Reviews planning and zoning applications for completeness.
- Performs technical reviews of planning and zoning applications.
- Maintain, scan, and organize physical files for planning/zoning applications.

Planning Board

- Review and respond to public complaints.
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- Research and drafting of zoning compliance letters.
- Reviews planning and zoning applications for completeness.
- Performs technical reviews of planning and zoning applications.
- Maintain, scan, and organize physical files for planning/zoning applications.

Evaluate and organize your department roles and responsibilities. Assign to staff and identify gaps.

- Distribute application materials to reviewer.
- Document control and correspondence.
- Enters information and documents into IPS.
- Issues final permit when approved.

Code Enforcement

- Tracks violations & complaints and supports Building Inspector in data entry into IPS.
- Maintain annual Operating Permit tracker.
- Maintain vacant building tracker.
- Initiate operating permit renewal notices/invoices.
- Receive and process renewals.
- Schedule inspections.



DEPARTMENT OPERATIONS

1. ADMINISTRATION

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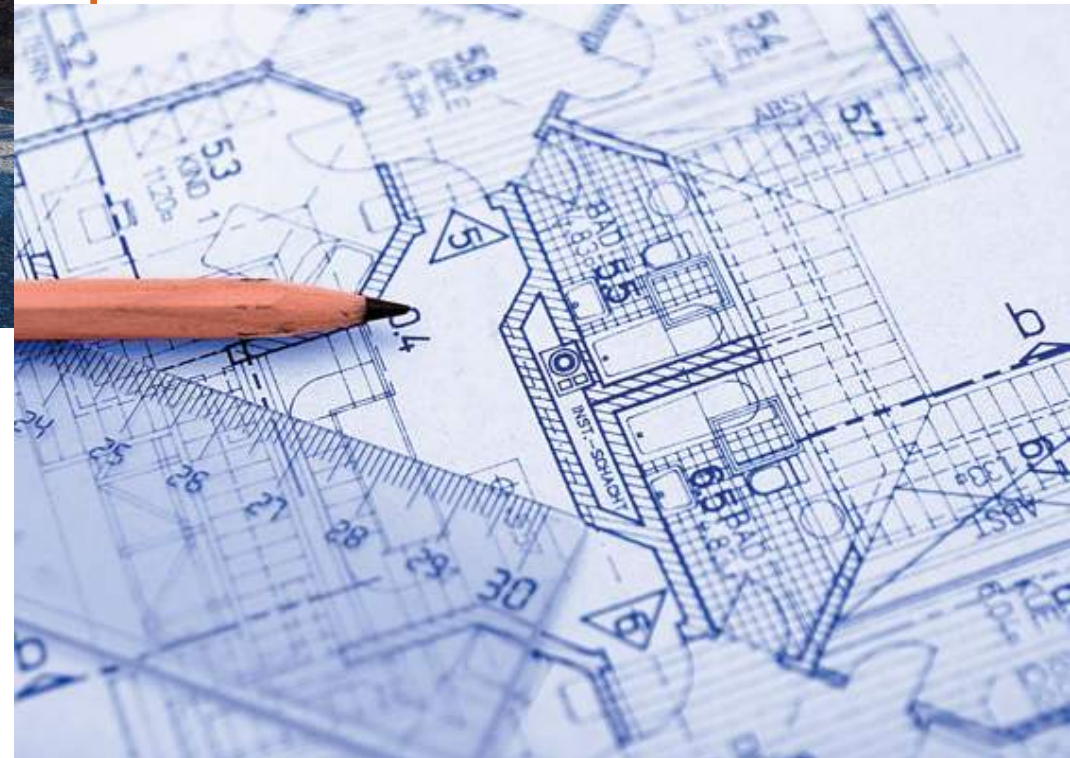
5. COMPLAINTS

6. QUESTIONS/CODE INTERPRETATIONS



APPLICANT

Owner/Developer
Designer of Record (A&E)
Construction Manager
Contractor
Subcontractors



A H J

Building Official/Inspectors
Special Inspectors
3rd Party Inspectors
NYS DOS
NYSED
NYSERDA

OWNER/DEVELOPER

- PAY THE BILLS
- UNDERSTAND THE PROCESS

EDUCATION IS KEY!

IT IS IMPORTANT TO UNDERSTAND
THAT THEY MAY NOT BE GETTING
THE BEST INFORMATION FROM
THEIR CONSULTANTS AND/OR
CONTRACTORS



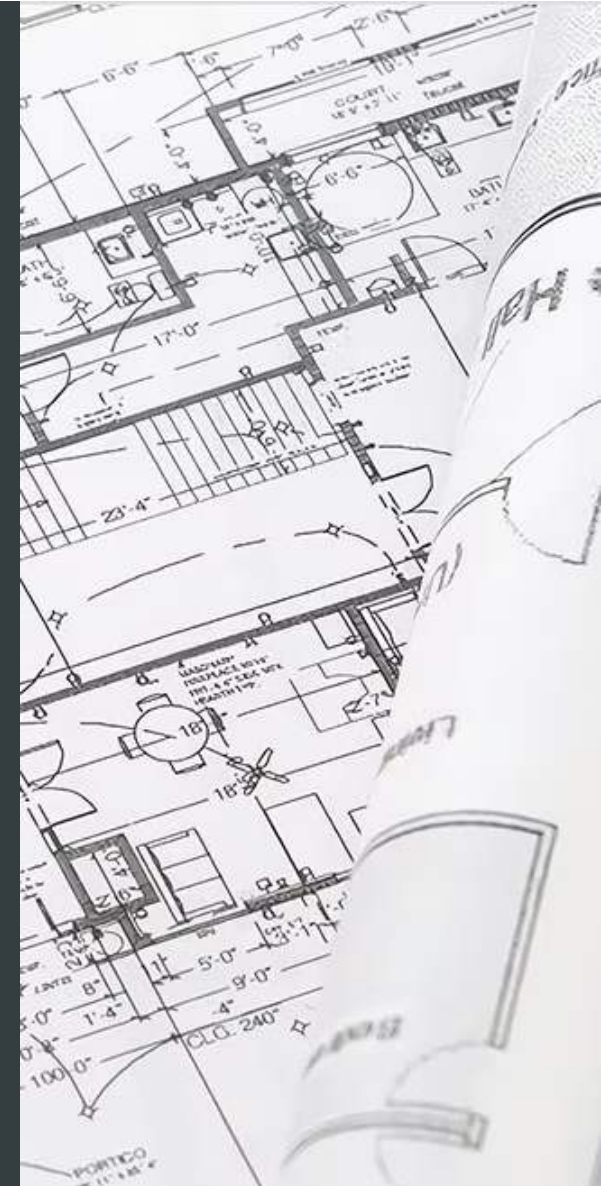


DESIGN PHASE

ENGINEER/ARCHITECT

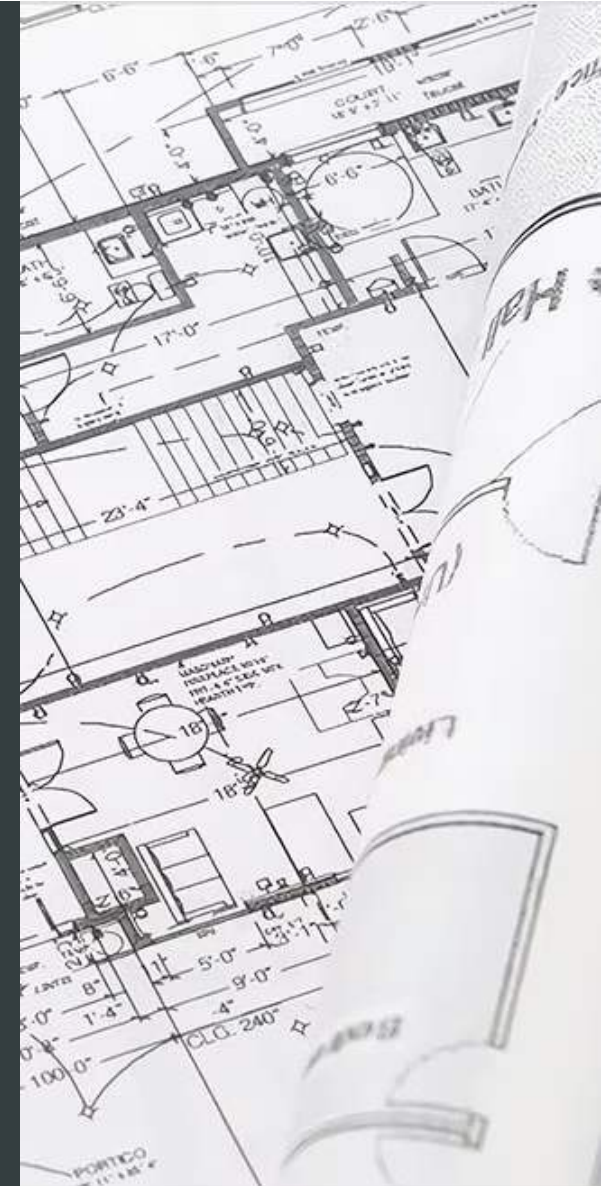
- DESIGN PROFESSIONALS ARE REGULATED BY NYS DEPARTMENT OF EDUCATION
- MUST BE LICENSED IN NEW YORK STATE
- PROFESSIONAL CERTIFICATION >\$10,000
- DOCUMENTS CAN BE PAPER OR DIGITAL AND SHALL:

“INCLUDE INFORMATION SUFFICIENT TO ENABLE THE AUTHORITY HAVING JURISDICTION TO DETERMINE THAT THE INTENDED WORK ACCORDS WITH THE REQUIREMENTS OF THE CODES.”



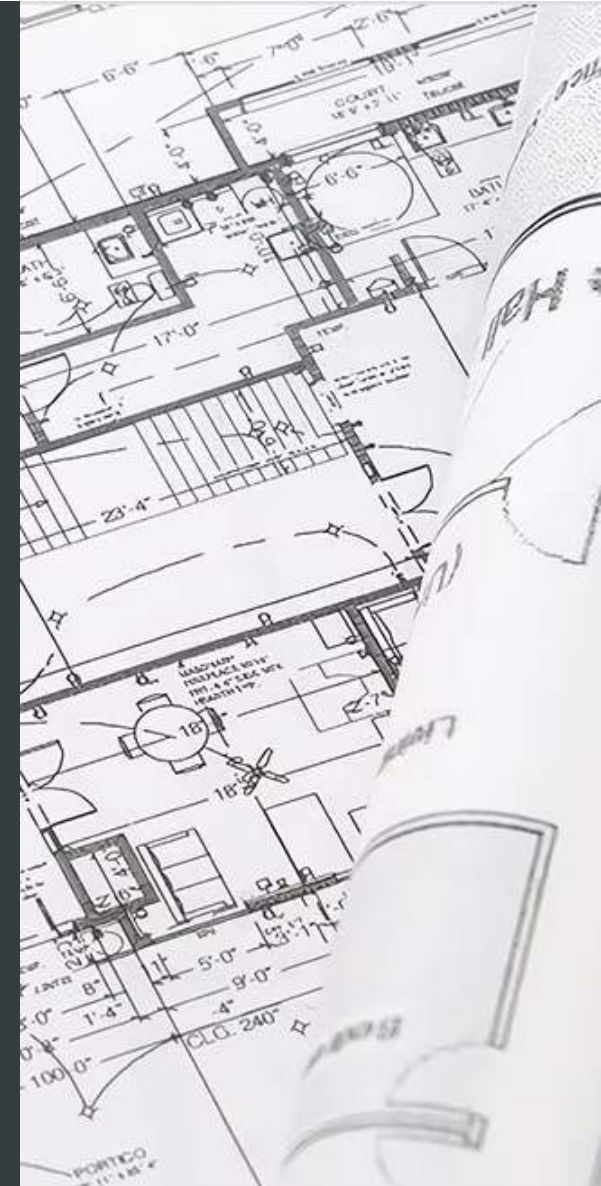
PART 1203

- i. Describing the location, nature, extent, and scope of the proposed work;
- ii. Showing that the proposed work will conform to the applicable provisions of the Codes;
- iii. Showing the location, construction, size, and character of all portions of the means of egress;
- iv. Showing a representation of the **building thermal envelope**;
- v. Showing structural information including but not limited to **braced wall designs**; the size, section, and relative locations of structural members; design loads; and other pertinent structural information;
- vi. Showing the proposed structural, **electrical, plumbing, mechanical, fire-protection, and other service systems of the building**;
- vii. A written statement indicating compliance with the Energy Code;
- viii. A site plan, drawn to scale and drawn in accordance with an accurate **boundary survey**, showing the size and location of new construction and existing structures and appurtenances on the site; distances from lot lines; the established street grades and the proposed finished grades; and, as applicable, flood hazard areas, floodways, and design flood elevations;
- ix. Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law.
- x. Include **any other information and documentation that the authority having jurisdiction may deem necessary** to allow the authority having jurisdiction to determine that the proposed work conforms to the Codes.



PART 1203

- Building thermal envelope;
- Structural information including but not limited to braced wall designs; electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
- Boundary survey;
- Any other information and documentation that the authority having jurisdiction may deem necessary



ENGINEER/ARCHITECT

DEFERRED SUBMITTAL

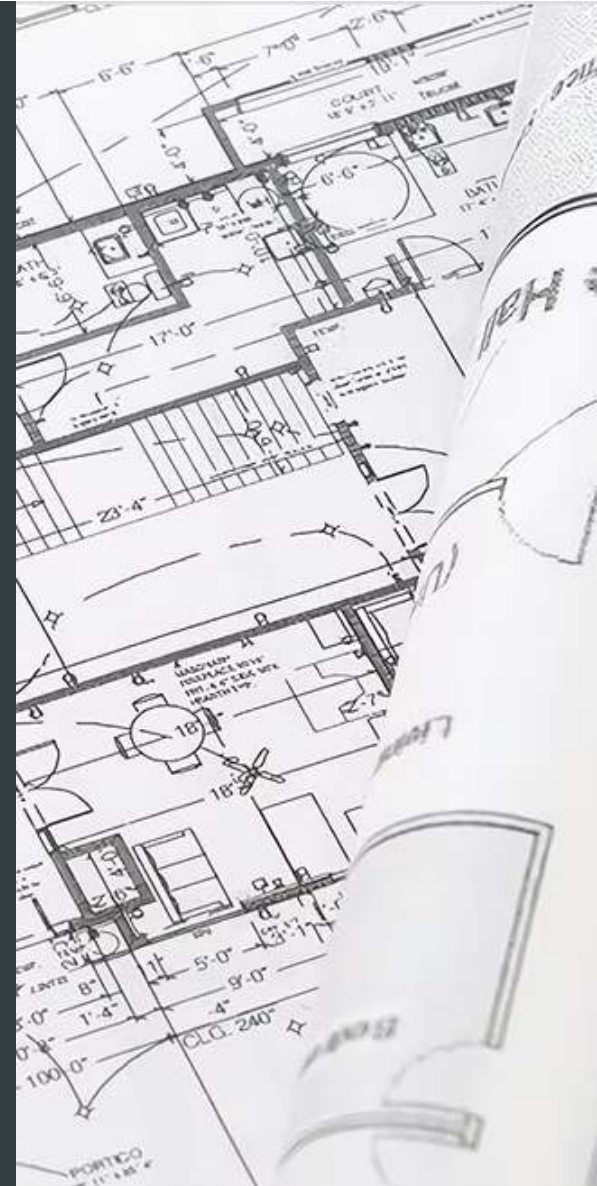
A PORTION OF THE DESIGN THAT IS NOT SUBMITTED AT THE TIME OF BUILDING PERMIT APPLICATION.

DELEGATED DESIGN

A BUILDING SYSTEM OR COMPONENT IN WHICH THE DETAILED DESIGN AND CERTIFICATION IS NOT DONE BY THE DESIGNER OF RECORD.

PHASED PERMIT

THE USE OF DELEGATED DESIGN AND DEFERRED SUBMITTALS TO ENABLE A PROJECT TO START CONSTRUCTION PRIOR TO ALL BUILDING SYSTEMS AND COMPONENTS HAVING BEEN ADVANCED THROUGH FINAL DESIGN.



DELEGATED DESIGN

REGENTS RULES, PART 29.3
GENERAL PROVISIONS FOR DESIGN PROFESSIONS

DELEGATOR

The Architect, Professional Engineer, Land Surveyor or Landscape Architect of Record (the delegator) shall provide performance specifications in writing for the delegated components or systems.

The delegator must provide sufficient information, in writing, for the delegatee (the licensee to whom the work is delegated) to understand the scope and nature of the delegated work and its connection to the general design. The information that is required to perform the delegated design functions shall be commensurate with the nature of the project, and may include, but is not limited to, technical data, loads, references to the American Society for Testing and Materials and other performance standards and other relevant and related conditions as appropriate and contained in the construction contract documents.

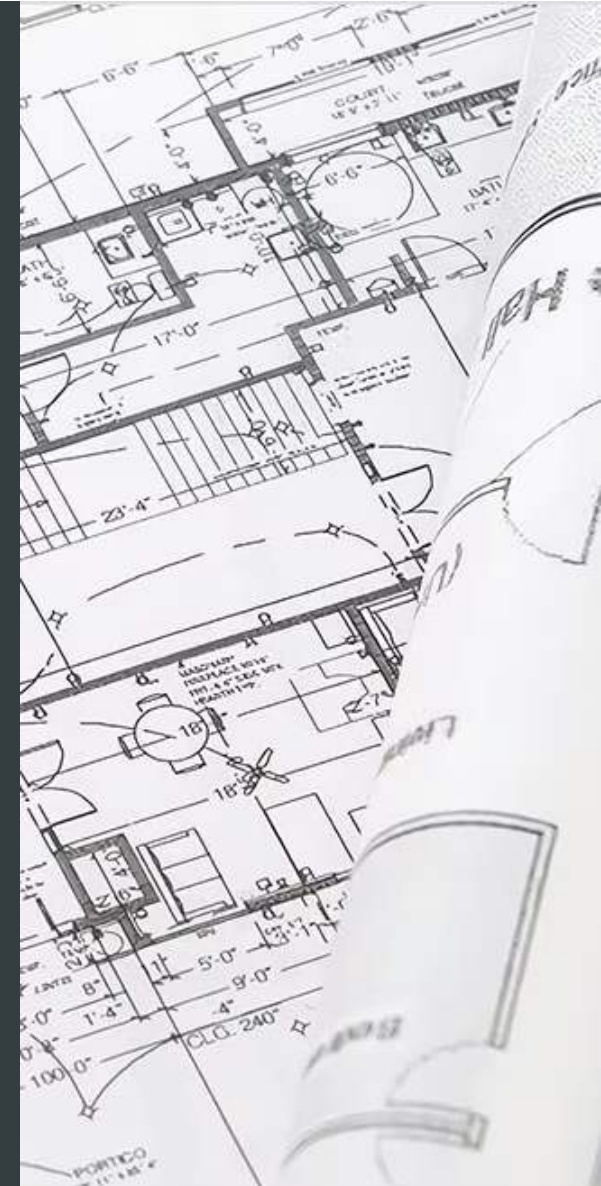
DELEGATEE

The person responsible for the design of the component or system shall be a New York licensee, or otherwise authorized, and shall sign and certify his/her design work.

The delegatee will be professionally responsible for the delegated design work; therefore, before signing and certifying the work, a professional judgment should be made about the reliability and quality of the work.

REVIEW AND APPROVAL

The Architect, Professional Engineer, Land Surveyor, or Landscape Architect of Record is required to review and determine that the delegated component or system design conforms to the performance specifications and any subsequent amendments; to the overall project design; and that it can be integrated into the building system. The Design Professional of Record shall be required to provide written notification of the decision or the submittal may be so marked (Approved; Disapproved; Revise/Resubmit). If not approved, a clear explanation should be provided.



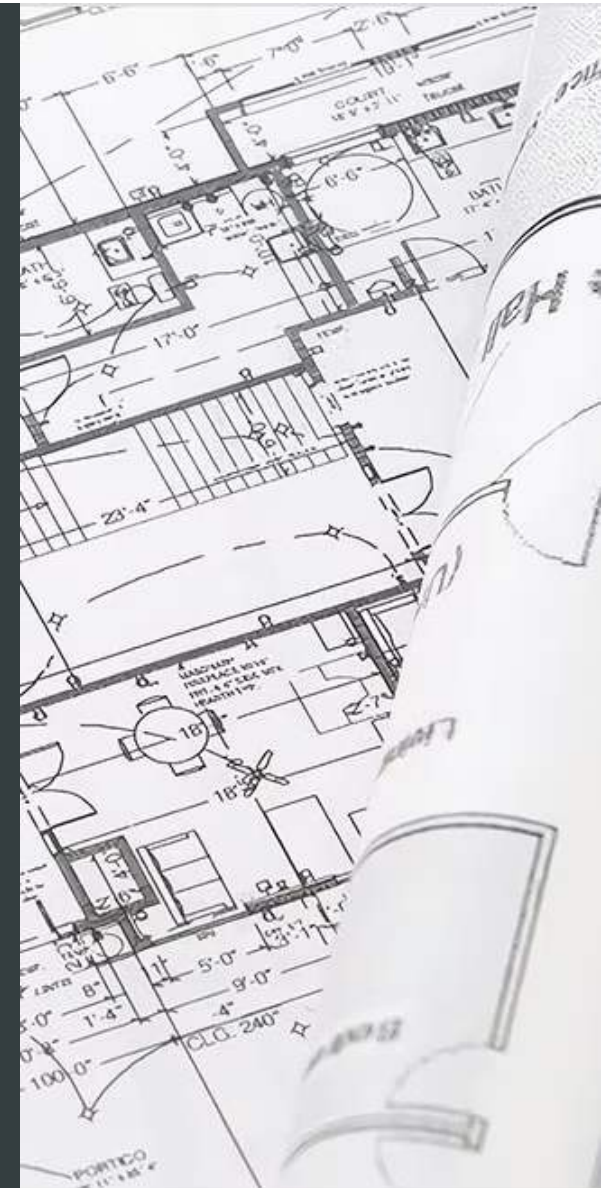
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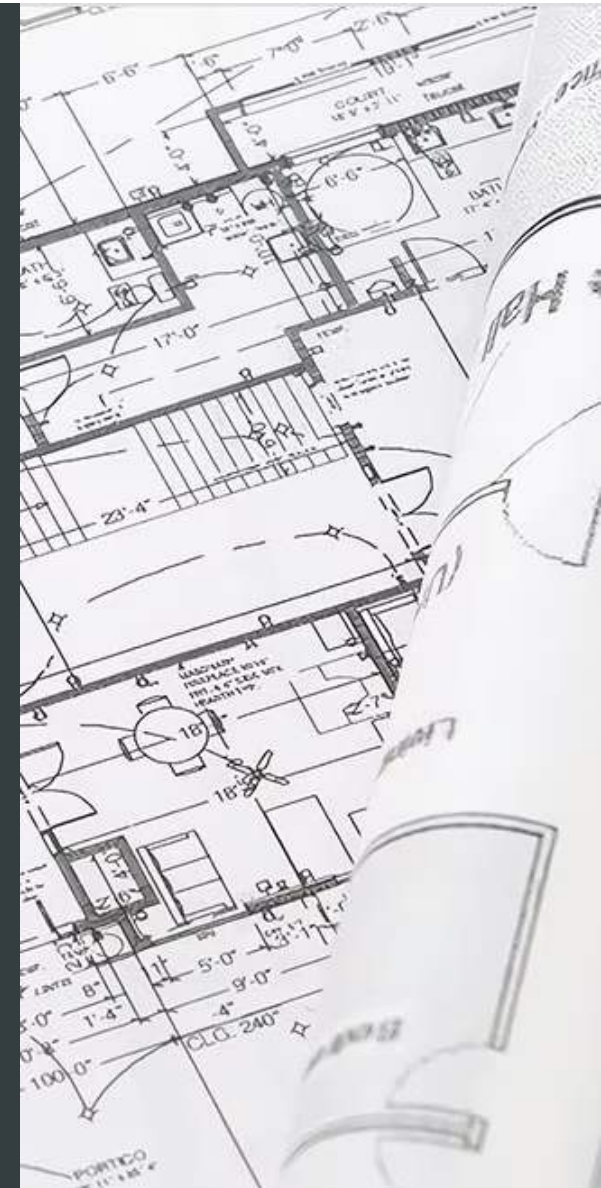
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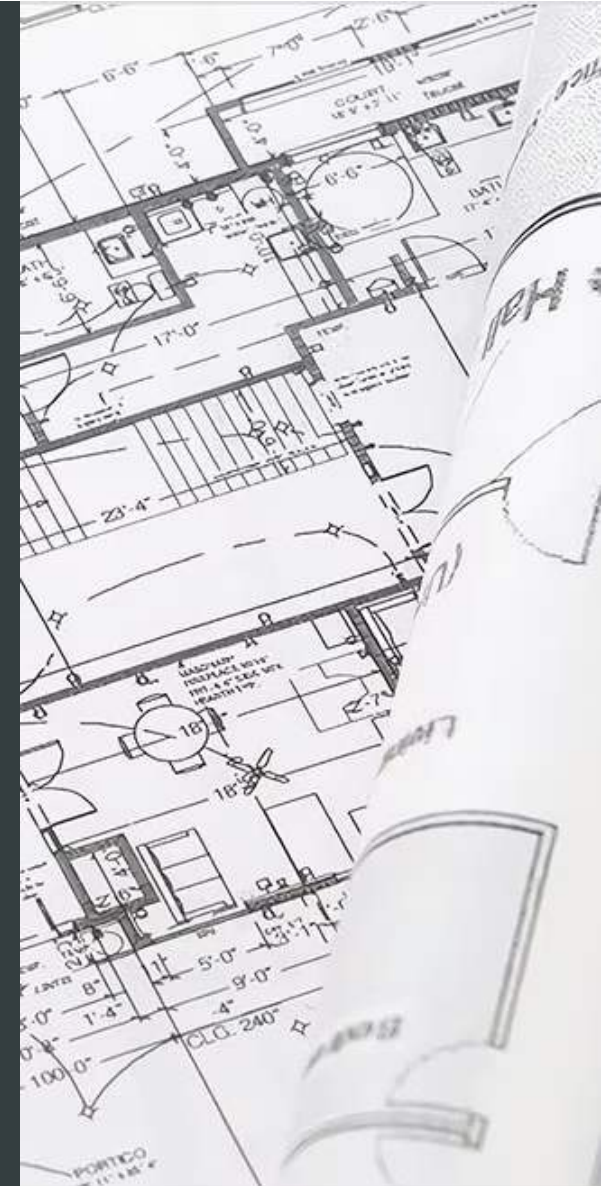


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DEVIATION FROM CODE

ALTERNATE MEANS AND METHODS

[NY] 104.3 Alternative materials, equipment, appliances, designs, and methods of construction. The provisions of this code are not intended to prevent the installation of any materials, *equipment*, or *appliances* not specifically prescribed by this code, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that such alternative materials, *equipment*, *appliances*, designs, or methods of construction: (1) are not specifically prohibited by any provision of this code, by any other provision of the *Uniform Code*, or by the *Energy Code*, and (2) shall have been approved, in writing, by the building official. Alternative materials, *equipment*, *appliances*, designs, or methods of construction may be *approved* only when the *building official* shall have determined, in writing, that such alternative is:

1. Satisfactory and complies with the intent of the provisions and requirements of the *Uniform Code*.
2. Not less than the equivalent of that prescribed in the *Uniform Code* in quality, strength, effectiveness, fire resistance, durability, and safety.

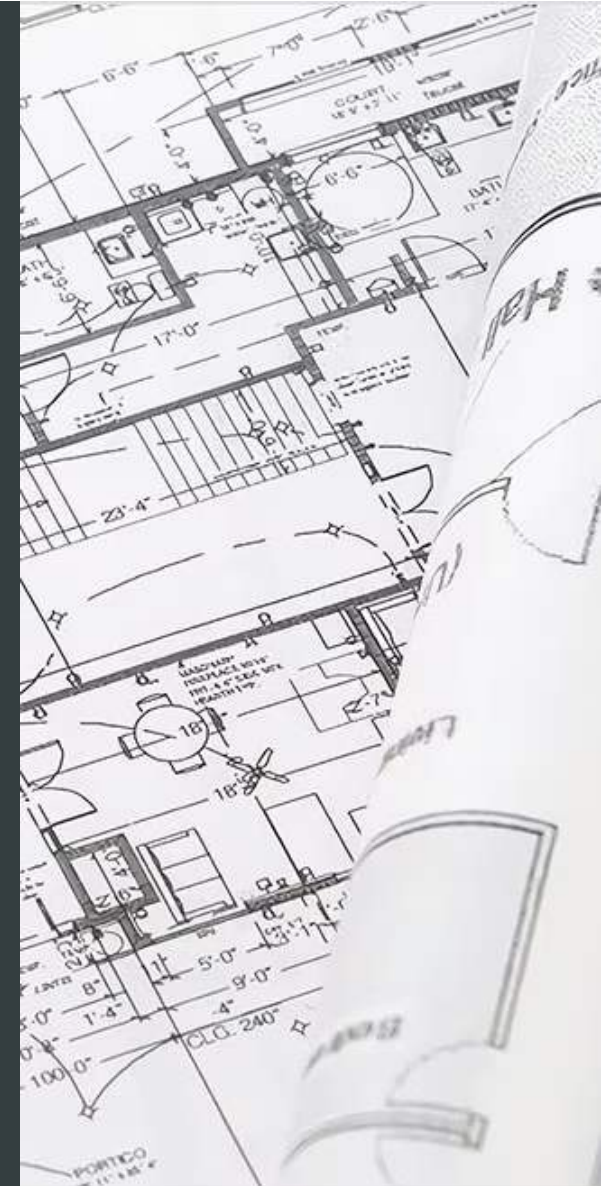
LOCAL APPROVAL

"COMPLIES WITH INTENT"

"EQUIVALENT SAFETY"

NYS VARIANCE

ROUTINE AND FULL VARIANCE OPTIONS
LED BY DOR, BUT AHJ REVIEW AND SUPPORT IS IMPORTANT





CONSTRUCTION PHASE

PART 1203 REQUIREMENTS

- i. Worksite prior to the issuance of a permit;
- ii. Footing and foundation;
- iii. Preparation for concrete slab;
- iv. Framing;
- v. Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- vi. Fire resistant construction;
- vii. Fire resistant penetrations;
- viii. Solid fuel-burning heating appliances, chimneys, flues, or gas vents;
- ix. Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, high-performance lighting, and controls;
- x. Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and,
- xi. A final inspection after all work authorized by the building permit has been completed.



SPECIAL INSPECTIONS

- Governed by NYSBC, including requirements and qualifications (Chapter 17)
- Primarily structural but expanding to include fire rated assemblies.
- Complete Statement of Special Inspections (SOSI) shall be prepared by the DOR.
- SOSI should be filed with AHJ as part of the building permit package.
- Special Inspection Agency(s) shall be approved by the AHJ.
- The Special Inspector is there for you!

3RD PARTY INSPECTORS

- Regulated locally, by each AHJ.
- Inspection agencies can be pre-approved or approved on a project-by-project basis.
- Electrical is most commonly used.
- Blower door, building envelope and energy rating (HERS).
- NYSDOS has provided guidance through code outreach program:

3rd Party “provider has qualifications comparable to those of an individual who has met the requirements of [19 NYCRR Part 1208].”



COMMISSIONING



ECNYS 106.2.6 - Defines Requirement

ECNYS 106.2.6.1 - DOR certification of HVAC system

ECNYS 408 - Commissioning Plan and requirements

“Copies of all documentation shall be given to the owner or owner's authorized agent and made available to the building official upon request in accordance with Sections C408.2.4 and C408.2.5”

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EMERGING TECHNOLOGIES

1. NYSERDA – Clean Energy Siting Program

Available resources to support plan reviews and AHJ support for clean energy siting and code enforcement.

2. Inter-Agency Fire Safety Working Group - Battery Energy Storage Systems (BESS)

Providing standardization of review and inspection process, as well as petitioning for code updates to better accommodate these systems.





OPERATIONS

1. ADMINISTRATION

2. NEW CONSTRUCTION

I. PLANNING/ZONING

II. BUILDING CODE

3. BUILDING CODE ENFORCEMENT

4. ANNUAL INSPECTIONS

5. COMPLAINTS

6. QUESTIONS/CODE INTERPRETATIONS

OPERATING PERMIT PROGRAM

THIRD PARTY INSPECTIONS

1. Fire Suppression Systems
2. Fire Alarm and Detection System
3. Elevators
4. Emergency and Standby Power Systems
5. Parking Structures
6. Fire Escape Inspections

MUNICIPAL INSPECTIONS

1. Assembly Occupancy Inspections
2. Dormitory Fire Safety and Property Maintenance Inspections
3. Multiple Dwelling Fire Safety and Property Maintenance Inspections
4. Commercial Building Fire safety and Property Maintenance Inspection
5. Residential Rental Property Inspection Program



OPERATING PERMIT PROGRAM

THIRD PARTY INSPECTIONS

Review and vet local contractors.

Establish what you expect to see and what the minimum program requirements are.

Post requirements on your website and list local vendors so owners know who to use.

MUNICIPAL INSPECTIONS

Collaboration with local Fire Departments is critical. They may already be supporting this.

Scheduling is key, we need to space this work out across the year, and around periods of increased permit activity.



BUILDING DEPT FEES

BUILDING PERMIT FEES

- i. Should cover the cost of plan review, inspection and administration.
- ii. Additional fees:
 - i. Amendments after plan review begins;
 - ii. Additional plan reviews after 2 rounds;
 - iii. Plan review of technically complex applications;
 - iv. Expedited plan reviews;
 - v. Reinspection; and,
 - vi. Phased inspection programs.

OPERATING PERMITS

- i. Minimum requirements are defined by NYSDOS, and all components should be included in permit fees.

VIOLATIONS AND PENALTIES

- i. Fee structure needs to accommodate penalties.
- ii. Fee should provide for escalation based on frequency and time.

**FEES SHALL COVER THE COST OF
ENFORCEMENT**



Building Official/AHJ CEO

- Supervisor charged with the administration and enforcement of local municipal codes and the New York State Uniform Fire Prevention and Building Code.
- Supervisor of department staff.
- Oversees daily office operations.
- Responsible for implementation of operational efficiency initiatives.
- Oversee and coordinate with 3rd party building department support services.
- Works with City IT department to ensure software is being used effectively.
- Develop policies and procedures for department operations.
- Prepares departmental budget.
- Prepares annual building permit report required for Department of State.

Building Code

- Reviews building permit applications including construction plans and specifications submitted for compliance with the Uniform Fire Prevention and Building Code.⁽¹⁾
- Meets with applicants to answer questions and discuss proposed projects.
- Approves issuance of building permits.
- Inspects buildings during construction, alteration, and repair as frequently as necessary to determine adequacy and the conformity of the entire structure with approved plans.⁽¹⁾
- Issues enforcement actions, including violations, stop work orders, certificates of compliance and certificates of occupancy.
- Collaborates with the Fire Chief on fire and life safety concerns.

Planning/Zoning Support

- Provides technical support to Planning/Zoning Board Administrator.
- Reviews and approves zoning compliance letters.

Building Inspector(s)

- Review and respond to public complaints.
- Provides review support for building permit applications.⁽¹⁾
- Provides construction inspection support for new construction projects.⁽¹⁾
- Performs daily field/drive by inspections for property maintenance and City charter compliance.
- Provides data and coordinate with Clerk on data entry and record building.
- Creates inspection reports and inputs that link directly to IPS system.
- Writes/sends out violations for non-compliant properties.
- Tracks/follows up with issued violations for corrections.
- Attends court on violations that have not been corrected in the required time frame.
- Follows up with court mandates to verify compliance with the court order.
- Administers Vacant Building Law and refers unsafe structures to the Fire Protection Officer.
- Performs annual operating permit inspections.⁽¹⁾
- Performs inspections regarding complaints for building safety, housing, and property maintenance compliance.⁽¹⁾

Building Department Clerk

- In person contact for phone calls and walk-in visits from public for building permit, zoning and planning applicants.
- Record messages for department.
- Review applications for completeness and distribute to Building Official or Planning/Zoning Board Administrator as applicable.
- Research and responding to FOIL requests.
- Creates and maintains digital records – IPS and Server.
- Maintain, scan, and organize physical files for building permit applications.
- Provide backup/support for Planning/Zoning Board Administrator.
- Prepare and distribute monthly department reports to City Council.

Accounting – Financial

- Purchase Orders – on an as needed basis. Invoices to be processed right away, as they are time sensitive and have to be approved by common council.
- Bank deposits – prepare deposit for delivery, typically once a week.
- Accounts receivable – check register in excel and fee tracking in IPS.

Building Code

- Establish application fees and accept applications.
- Reviews applications for completeness.
- Enter fee into check register & A/R.
- Distribute application materials to reviewer.
- Document control and correspondence.
- Enters information and documents into IPS.
- Issues final permit when approved.

Code Enforcement

- Tracks violations & complaints and supports Building Inspector in data entry into IPS.
- Maintain annual Operating Permit tracker.
- Maintain vacant building tracker.
- Initiate operating permit renewal notices/invoices.
- Receive and process renewals.
- Schedule inspections.

Planning/Zoning Board Administration

- Field comments from public on zoning and planning projects/applications.
- Research and drafting of zoning compliance letters.
- Reviews planning and zoning applications for completeness.
- Performs technical reviews of planning and zoning applications.
- Maintain, scan, and organize physical files for planning/zoning applications.

Planning Board

- Instruct public on how to apply.
- Intake application forms, fees, and document packets.
- Prepare and coordinate for monthly meeting, including agenda, public notice in paper, notices to adjoining properties, and collate all application packets for all board members and elected officials.
- Enter all data into IPS, and save on server and/or in physical files (includes scanning).
- Attend Planning Board meetings.

Zoning Board of Appeals

- Instruct public on how to apply.
- Intake application forms, fees, and document packets.
- Prepare and coordinate for monthly meeting, including agenda, public notice in paper, notices to neighboring properties, and collate all application packets for all board members and elected officials. (200 foot radius for neighboring property notices, which can mean approximately 100 notices to be created and mailed.)
- Enter all data into IPS, and save on server and/or in physical files (includes scanning).
- Attend Zoning Board meetings.

TECHNOLOGY

Technology is not a magic bullet. Without proper staffing and functional department, it will only make things worse.

When implemented correctly it will increase efficiency.

1. Operating software is critical;
2. Digital, consolidated plan review saves time;
3. Digital permit documents for field access; and,
4. Tablet based inspection forms avoid re-work.





SUMMARY

1. Understand the legislation and requirements that govern design and construction.
2. Educate the stakeholders in your community.
3. Hold each of the stakeholders (owner, DoR, contractor, ect) accountable for their responsibilities.
4. Utilize available resources!
5. Understand and be able to convey all department requirements by task to your leadership, and;
6. Ensure fee structure provides an adequate operational budget.

QUESTIONS?

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www.labellapc.com



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