

# QUESTION & ANSWER

## Arguing With the Inspector

**Q** What should I do when I believe an inspector's correction notice is invalid?

**A** Glenn Mathewson, a building inspector in Westminster, Colo., replies: Handling a disagreement with a building inspector can be daunting, and it's often easier to do what's asked than argue about it. Other times, however, a bogus call can be an expensive, time-consuming problem. Pick your battles.

If you decide to dispute a correction notice, do your research first. What may be permitted in Vail, Colo., could be strictly forbidden in Denver, as building codes are not universal. They only become enforceable when a governing jurisdiction adopts them, and then they are often amended, sometimes heavily. Even in states with a uniform code, enforcement almost always includes a bit of local flavor.

Many building departments publish their local amendments online, but not the entire code. You should own and know the most commonly referenced model code in your region. Interpreting the code, though, can cause heated debate. The code grants the authority of interpretation to the building official, which can make disputes seem one-sided. However, the International Residential Code specifically requires the interpretation to be in accord with the intent

and purpose of the code, because the code is concerned with the results of construction, not the method. Approval can therefore be granted even if a particular construction detail isn't addressed in black and white in the code book, as long as you demonstrate that the detail will provide the same function as that shown in the book. Sometimes we inspectors need to be reminded of that.

The International Code Council offers various publications to clarify the code's intent. (I'm the author of one such volume, "Deck Construction Based on the 2009 IRC.") Additionally, the ICC provides documentation of all the previous code-change cycles, including modification-proponents' arguments. The ICC code interpretation committee also provides official interpretations for many I-code sections. However, even with all these published interpretations available, the interpretation of the local code official still governs.

Following is a step-by-step list of how to handle code disagreements. Hopefully you won't have to go through too many steps before either you or the inspector realizes the misunderstanding and learns something new that day.

1. Ask the inspector to clarify or be more specific. Perhaps you simply misunderstood the correction. It's often difficult to convey the details of a correction on paper, and a brief conversation might clear things up.

2. If you believe you have found a code section that supports your position, discuss it with the inspector before requesting a re-inspection. Research the adopted and amended code and have copies of both. Speak directly to the inspector who made the original correction, not his colleagues. Never call for a re-inspection

without making the correction, unless you have discussed it with the inspector first.

3. Offer supporting documents to back up your interpretation. An ICC-published document will hold more weight than, for example, a how-to book from the local lumberyard, though it still may not be accepted.

4. Talk to the chief building official. But don't take your disagreement to the boss as if the original inspector was wrong, as you may step on toes you will have to work with again. Instead of being confrontational, write up your construction method, design, or material and submit it to the chief building official as an "alternative." Provide evidence, such as manufacturer's literature, that supports your position. This way, you're not implying that the inspector is wrong, you're acknowledging that your project is not to the letter of the code and therefore needs evaluation as to whether it meets the intent of the code.

5. Hire a code or engineering consultant to discuss the condition with the building official. It will be more difficult for a building official to uphold a bogus interpretation when faced with another professional who knows the code as well as he does.

6. Appeal. Most building departments have a board of appeals, made up of members of the community, to check the authority of the building official. Pursuing the board of appeals is an absolute last resort, as it will cost significant time and good will with the building department. The board of appeals cannot waive the code, so the appeal must be founded on the basis that the code is being misinterpreted or that an equivalent alternative method is not being approved. ♦

### GOT A QUESTION FOR OUR EXPERTS?

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