

AMENDED – 2/1/07

BY-LAWS

OF THE

RHODE ISLAND BUILDING CODE STANDARDS COMMITTEE

ARTICLE I – ORGANIZATION

The name of this organization shall be the State Building Code Standards Committee, hereinafter referred to as the “Committee”.

ARTICLE II – OFFICES

The principal office of the Committee shall be where designated by the State Building Commissioner.

ARTICLE III – MEMBERSHIP

Membership to the Committee shall be as provided by the State Building Codes enabling Legislation G.L. 23-27.2, as amended.

ARTICLE IV – RESPONSIBILITIES AND DUTIES

Section 1. Legal Responsibilities. The legal responsibilities of the Committee are established by law and as provided in Article 1 of the State Building Code.

Section 2. Rules and Regulations. In accordance with Section 109.0 of the Code, the Committee is empowered to adopt rules and regulations.

a. Procedures:

1. The Commissioner and staff will prepare all required rules and regulations for Committee approval.
2. Once approved, the rules and regulations will be prepared for a public hearing.
3. In accordance with the Administrative Procedures Act, a notice on the rules and regulation’s hearing will be published in a statewide newspaper twenty (20) days prior to the hearing.

4. After hearing testimony, the Committee may amend, if necessary, and file the final copy with the Secretary of State. The rules and regulations shall take effect twenty (20) days after the filing date.

Section 3. State Building Code Amendments. Amendments to the State Building Code shall be prepared by the Committee in accordance with Section 109.0 of the Code.

a. Procedures:

1. Items 1, 2, and 3 on the procedures for rules and regulations shall apply for code amendments as well.
2. After hearing testimony, the Committee may amend the proposed Code changes if necessary, and prepare a legislative act for presentation to the Governor's Counsel for the next session of the General Assembly.
3. The Code changes become effective upon passage, unless a specific date is required by the act.

ARTICLE V – MEETINGS

Section 1. Place of Meeting. The Executive Secretary may designate the place of meeting.

Section 2. Regular Meetings. Regular meetings of the Committee occur on the second Thursday of each month.

Section 3. Annual Meeting. The Annual Meeting of the Committee shall occur during the month of November. The purpose of the Annual Meeting, in addition to conducting normal Committee business, is to hold the election of officers and the selection of the executive committee.

Section 4. Special Meetings. Special meetings of the Committee may be called by the chairman with the approval of the majority of the executive committee, or upon written request of a majority of the Committee, at such time and place as may be deemed expedient, upon written notice to the Committee. The Executive Secretary shall notify the Committee as to the time, place and purpose of said meeting.

Section 5. Notice of Regular Meetings. Written or printed notice stating the place, day and hour of the meeting shall be by or at the direction of the Executive Secretary.

Section 6. Voting. At all meetings, each attending Committee member shall be entitled to one vote on all matters subject to determination by vote. All matters subject to determination by vote shall be resolved by a majority vote of the Committee members in attendance.

Section 7. Quorum. At any meeting, a majority of the members present shall be used to determine a quorum for voting purposes.

ARTICLE VI – OFFICERS

Section 1. Officers. The officers of the Committee shall consist of a chairman and a vice-chairman or such other officers as may be elected or appointed by the Committee. The officers shall be elected from among the Committee. The term of office is for the calendar year.

Section 2. Chairman. The chairman shall be the principal officer of the Committee and shall, in general, supervise and control all of the business and affairs of the Committee, subject to the general powers of the Committee. The chairman shall preside at all meetings of the Committee.

Section 3. Vice Chairman. In the absence of the chairman or in the event of his inability, resignation, retirement, death or refusal to act, the vice chairman shall perform the duties of the chairman and when so acting, shall have all the powers of and be subject to all the restrictions of the chairman.

Section 4. Acting Chairman. In the absence of both the chairman and vice chairman at a meeting, an acting chairman will be appointed by the majority of members present.

ARTICLE VII – EXECUTIVE SECRETARY

Section 1. Position. The enabling legislation created the position of Executive Secretary, who is the State Building Commissioner, and who shall possess all powers and responsibilities delegated by the Committee and as required by the State Building Code.

Section 2. Duties. The Executive Secretary shall administer the business of the Committee in accordance with the policies of the Committee; and shall have full charge of all books, papers, records, and other documents of the Committee. The Executive Secretary shall conduct all correspondence pertaining to his office and shall compile statistics and other data as may be required for the use of the Committee. The Executive Secretary shall perform such other duties as the Committee may, from time to time, designate.

ARTICLE VIII – COMMITTEES

Section 1. Executive Committee. The executive committee shall comprise of the chairman, the vice-chairman, and three (3) members of the Committee elected at the Annual Meeting. The executive committee shall have the authority to (1) schedule meetings; (2) act in such matters as is delegated by the Committee; and, (3) act as committee on budget.

Section 2. Standing Committee. There shall be a standing committee, appointed by the chairman, known as the personnel committee which shall comprise of a chairman and two (2) members. This committee shall serve for the calendar year.

Section 3. Sub-Committees. The chairman may create sub-committees as the need arises and shall serve for the calendar year. Each sub-committee shall include a chairman and a minimum of three (3) committee members. Each sub-committee shall serve for the calendar year.

Section 4. Staff Support. The Executive Secretary shall provide staff support to each committee and shall maintain a record of committee activities and meetings.

Section 5. Responsibility. All committee approvals and/or recommendations shall be submitted to the Committee for its action.

ARTICLE IX – BY-LAW AMENDMENTS

Proposed by-law amendments must be submitted to the Executive Secretary, in writing, and will be read at the next regular meeting of the Committee, whereupon the chairman will direct a sub-committee to review the proposed amendment(s) and report its recommendation to the Committee at its next regular meeting. Subject to the foregoing, the chairman shall present the proposed amendment(s) to the Committee for its action.

ARTICLE X – ORDER OF MEETINGS

All meetings provided for herein shall be conducted according to Robert's Rules of Order Modified, except as otherwise authorized by the Committee.

§ 23-27.3-109.0 Committee's rule making authority

§ 23-27.3-109.1 Committee's rule making authority – Legislative report – Legislative committee.

(a) The committee is empowered to adopt codes and standards, subject to approval pursuant to subsection (c), which shall, in general, conform with nationally reorganized model building codes, model 1 and 2 family dwelling codes, model plumbing codes, model mechanical codes, model electrical codes, model energy codes, accessibility for persons with disabilities standards, and other such technical provisions of codes and standards developed to ensure the general public's health, safety, and welfare.

(b) Annually the committee shall submit a report to the general assembly on the codes and standards so adopted and shall provide the following information:

(1) Proposed amendments to the model codes and standards and supporting statement therefor.

(2) A summary of testimony received at public hearings held by the committee, on adoption of the codes and standards.

(ii) The committee, subject to approval pursuant to subsection (c), shall adopt the codes and standards in accordance with the Administrative Procedures Act, chapter 35 of title 42.

(iii) The provisions of the state building code, so adopted, subject to approval pursuant to subsection (c), shall have the force and effect of law upon review and approval of the legislative regulation committee.

(c) There shall be established a legislative regulation committee that shall review, approve, or reject, in total or in part, the state building code regulations proposed by the building code standards committee prior to their being filed with the secretary of state.

(2) The legislative regulation committee shall be comprised of four (4) members of the house of representatives, not more than three (3) from one political party, appointed by the speaker of the house of representatives; and three (3) members of the senate, not more than two (2) from one political party, appointed by the president of the senate.

(3) The committee shall elect from among its members a chairperson and vice chairperson.

(4) Regulations submitted to the committee shall be acted upon within sixty (60) days from the date the regulations are submitted to them by the executive secretary of the building code standards committee.

(5) A majority vote of the committee's members present shall decide all votes. A quorum shall consist of a simple majority.

(6) Members shall retain membership on the committee until replaced by the respective appointing authority or until they are not members of the house from which they were appointed.

(7) The state building commissioner and staff shall assist the committee in its administrative duties and in scheduling meetings. The commissioner shall inform the committee of all proposed regulations prior to submission.

§ 23-27.3-109.1.1 Committee – Licensing of laboratories and test personnel.

The committee may issue rules and regulations for the licensing of individuals, laboratories, agencies, corporations, and firms responsible for the testing of materials, devices, and methods of construction, as provided in § 23-27.3-129.1.

§ 23-27.3-109.1.2 Committee – Regulation of manufactured buildings.

The committee shall issue rules and regulations governing manufactured buildings and building components.

§ 23-27.3-109.1.3 Adoption of federal standards for manufactured homes.

The provisions of the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., (hereinafter referred to as the federal act), title 6 of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Acts of 1977 and 1980, and their implementing regulations shall be and is hereby adopted as the state code for the design and construction of all manufactured homes manufactured on or after June 15, 1976.

§ 23-27.3-109.1.3.1 Inspection of manufactured homes manufacturers.

The staff of the commissioner, upon showing proper credentials and in the discharge of their duties pursuant to this section, or the federal act, is authorized at reasonable hours and without advance notice to enter and inspect all factories, warehouses, or establishments in the state in which manufactured homes are manufactured.

§ 23-27.3-109.1.3.2 Penalties for violation as to manufactured homes.

Whoever violates any provision of the federal act, including § 610 (42 U.S.C. § 5409), §§ 23-27.3-109.1.3 – 23-27.3-109.3.4, or any federal or state regulation or final order issued thereunder shall be liable for a civil penalty not to exceed a

thousand dollars (\$1,000) for each violation. Each violation of a provision of §§ 23-27.3-109.1.3 – 23-27.3-109.3.4, the federal act or any regulation or order issued thereunder shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000) for any related series of violations, occurring within one year from the date of the first violation. Any individual, or a director, officer, or agent of a corporation who knowingly and willfully violates §§ 23-27.3-109.1.3 – 23-27.3-109.3.4 or any section of the federal act in a manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year, or both.

§ 23-27.3-109.1.3.3 Monitoring inspection fee.

(a) The commissioner may establish a monitoring inspection fee in an amount established by the secretary of housing and urban development (HUD). This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in that state.

(b) The monitoring inspection fee shall be paid by the manufacturer to the secretary of HUD or the secretary's agent who shall distribute the fees collected from all manufactured home manufacturers among the approved and conditionally-approved states based on the number of new manufactured homes whose homes' first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in that state, and the extent of participation of the state in the joint monitoring team program established under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.

§ 23-27.3-109.1.3.4 Reports of manufactured home manufacturers, distributors, and dealers.

Each manufacturer, distributor, and dealer of manufactured homes shall establish and maintain such records, make such reports, and provide such information as the commissioner or the secretary of housing and urban development (HUD) may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with this section or the federal act and shall, upon request of a person duly designated by the commissioner or the secretary of HUD, permit the person to inspect appropriate books, papers, records, and documents relevant to determining whether the manufacturer, distributor, or dealer has acted or is acting in compliance with this section or the Federal Act.

§ 23-27.3-109.1.3.5 Temporary greenhouse defined.

A temporary greenhouse means specialized agricultural equipment having a framework covered with demountable polyurethane materials or materials of polyurethane nature and lacking a permanent and continuous foundation, which is specifically designed, constructed and used for the culture and propagation of horticultural commodities. A temporary greenhouse may include, but is not limited to, the use of heating devices, water and electrical utilities, and supporting poles embedded in non-continuous concrete. A temporary greenhouse by this definition is a temporary structure. A temporary greenhouse shall be exempt from property taxes.

§ 23-27.3-109.1.4 [Repealed.]

§ 23-27.3-109.2 Accepted engineering practice.

In the absence of provisions not specifically contained in this code or approved rules, the regulations, specifications, and standards listed in the Appendices of the state building code are deemed to represent engineering practice in respect to the material, equipment, system, or method of construction specified in the Appendices.

§ 23-27.3-109.3 Proposing amendments to rules and regulations.

Any person may propose amendments of the regulations to this code at any time by using the proper forms. Public hearings shall be held or at times and places that the committee may determine to consider petitions for the amendments. Amendments to the regulations adopted by the committee, subject to approval pursuant to § 23-27.3-109.1, shall be binding upon all cities and towns.