WIND TESTING SERVICES CORPORATION

Testing Your Perimeter Before Mother Nature Does

Building Code Violations:
What it can mean to your company

It's important that roofing professionals comply with building codes. A construction contractor whose work is not consistent with the building code in the jurisdiction where the work was performed may face civil liability for negligence, as well as contractual liability.

If a contract states that a contractor shall be responsible for constructing work in accordance with the building code, the contractor can be liable for breach of contract and resulting damages if there is a building code violation. General contractors' subcontract forms frequently impose a specific contractual obligation upon subcontractors to make sure their work adheres to applicable building codes. If a code violation was inherent in the plans and specifications given to the contractor or subcontractor, the contractor may be able to assert a claim for indemnification and contribution against the design professional or other parties who prepared the plans and specifications.

Even in the absence of a specific contract provision, a contractor is likely to face claims if his work violates the applicable building code. This is particularly relevant in re-roofing situations when there is no design specification.

In most states, a building code violation is considered to be evidence of negligence. In some situations, a building code violation may be considered negligence per se. This means the contractor, for all practical purposes, has no defense to a negligence claim based on a code violation. Some states have enacted statutes stating that persons who have been injured as a result of a building code violation are entitled to bring claims again the party responsible for the code violation.

The International Building Code's (IBC) 2003 and 2006 editions contain a provision that low-slope systems' edge metal flashing (coping, fascias, gravel-stops) must be specifically tested and designed to resist wind loads according to the ANSI/SPRI ES-1 standard. ANSI/SPRI ES-1 was developed by SPRI (Single Ply Roofing Institute) using an American National Standards Institute (ANSI)-based consensus process as a method for using wind tools in general compliance with ASCE 7, Minimum Design Loads for Buildings and Other Structures.

To comply with IBC's provision for edge securement for low-slope roofs, edge metal flashing MUST BE TESTED and shown to stay in place when subjected to design wind loads. This is a significant departure from what has been standard industry practice where edge metal flashings usually were designed based on established guidelines or dictated by regional practices. The IBC's provision is particularly onerous for designers who specify edge metal flashings or contractors who fabricate their own sheet metal edge flashing.

As a leader in sheet metal perimeter edge testing services, Wind Test Services Corporation can provide your company with the certification and documentation necessary to comply with the ANSI/SPRI ES-1 standard. Our state-of-the-art testing equipment was developed to specifically meet the needs of this mandatory building standard. Don't expose your company to unnecessary civil and contractual liabilities! Contact WTSC today!

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