



CHIEF'S FILE CABINET

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Keeping Up With the Joneses

There was an interesting phenomenon back in the 1950s, perhaps even as late as the early 60s, called keeping up with the Joneses. Essentially it was a competitive relationship that existed between people in a neighborhood or circle of friends. Usually there was at least one family in the group that was a little better off than the rest. It became incumbent on everybody else to try to keep up with them every time they accomplished or purchased something. If the mythical Joneses got a new car, in order to keep up you had to get a new car. If they put up a picket fence around their house, you had to put up a picket fence around yours.

It was a dangerous trap to get locked into by accepting somebody else's concept of what was right or good. Yet, millions of people tried to keep up with the Joneses. I suppose over time the phenomena evolved into what we call today: yuppies. It is apparently a very common human trait to try to stay even with those you consider to be your peers, even if it's a lot of trouble for you to do so.

There's a corollary in the fire service to "keeping up with the Joneses" that has a legal implication. What I'm talking about is the fire code and the building code. The way both of these documents are maintained is absolutely predictable. At the end of a certain cycle they will be modified and reissued. In the event you are not aware of these changes or worse yet, deliberately fail to keep up with the codes, there are serious consequences upon the community and upon you as an enforcing authority.

Further, there is an economic consequence of trying to keep up with the code change process. The reason is pretty simple. The people who write codes do not give them away. They fully intend for you to come back and purchase an updated version of that code when it is reissued. As a result, entering into the adoption cycle and then maintaining your currency in that cycle is something that must be planned for in budgets, or you have the possibility of becoming obsolete.

Let's be specific. When a community adopts codes that are produced by model code groups or by other entities, the minute they adopt the code, it starts becoming obsolete. The reason is that there are committees and in some cases, specific groups who are preparing changes to that code for its next adoption cycle. Sometimes these changes emerge because of problems with the way things are stated in the existing code. Sometimes it's because of changing technology that either creates a problem or provides a new solution. Sometimes it's because we find that the provision in the code doesn't solve the problem for which it was originally intended. There are a host of reasons why codes must and will be modified.

The significance, however, is that any code that has been adopted will eventually be rendered obsolete by the passing of an updated version. This same admonition not only applies to the codes but to the



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reference documents that are contained within those codes. If you look in the back of most of the model code documents, you will see they refer to a list of documents published by other organizations. These documents and references are undergoing the revision process too.

What does this mean to the “Authority Having Jurisdiction?” It means that you have at least two obligations when you are in the position of enforcing a code. One is that you must make sure that the provisions you are enforcing are appropriate for the edition that applied when the occupancy was first allowed to operate. Unless there is a retroactive provision in a subsequent version, codes apply to structures built when they were enforced. This means we shouldn’t throw away copies of the old code and references.

The second obligation is to make sure you update all of your references at the same time you update your codes. This means you have to be paying attention to the process all of the time.

Failure to do either one of these can result in conflict between you and those you are attempting to serve. Failure to do both can result in extensive liability for you as a code enforcement organization.

As I mentioned earlier, this can be an expensive process. Recently, one of the chief officers in our office did a simple analysis of one of the provisions of the model codes regarding installation of sprinkler systems. According to his interpretation, the number of documents that needed to be acquired and kept up-to-date to maintain currency in this one field of technology was in excess of several hundred dollars per year. This can be difficult for many fire departments to cope with.

Of course there are some alternative strategies one might contemplate in order to make sure that this enforcement obsolescence does not occur. A group of small jurisdictions that have similar code adoption cycles might pool their resources to purchase the supplemental documents instead of everybody having to own them individually. The development of a local or regional resource center for these documents may be a very cost-effective way of assuring that no individual organization is left out. Another alternative strategy is to get a library or education institution to acquire these documents.

Regardless of the strategy that is utilized, the main theme is to make sure that code enforcement officials have the right document to make the right decisions. I don’t know how many times I have gone into fire agencies performing a review of their fire prevention practices and seen dog-eared copies of obsolete versions of codes sitting on inspectors’ desks. I once had a fire chief tell me that while he had adopted the most recent version of the code, he simply couldn’t afford to let everybody have their own copy, so he only had one, which he kept on his desk. From a practical point of view, the investment in codes and the necessary reference documents to support an inspector’s activity is not a cost. It is an investment. Code documents should be budgeted right alongside such items as fuel for the inspector’s vehicle and the uniform allowance for the inspector’s attire.



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In the social setting, keeping up the Joneses was primarily an attempt to maintain status quo. In a professional setting, keeping up with codes, ordinances and standards is a competency question. The degree to which an organization is able to keep its finger on the pulse of change will determine its credibility in dealing with its customers and clientele.

One way to measure whether you are keeping up the Joneses is to look at your library shelf. Are the documents on that bookshelf the most current version of the most current codes, or are they obsolete and to a large degree irrelevant to correct practices? If they aren't current, then you have a task ahead of you to reinvest in your own credibility.