



CHIEF'S FILE CABINET

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Out With the Old, in With the New

Have you ever heard the expression that a new broom sweeps clean? It parallels another old cliché; out with the old, in with the new. The idea being that whenever something comes along that is bright and shiny and brand new, you can easily dispose of its predecessor.

Not so fast! To the contrary, sometimes throwing away the old way of doing things destroys the institutional memory of why we are supposed to be doing it in the first place. No where can this phenomenon be witnessed so clearly as in the process of updating codes on a cyclic basis. Not only it's not out with the old, but it is not always in with the new. Let me see if I can explain this phenomenon a little more clearly.

What I am referring to is the impact of each edition of the codes and standards as they are evolving through the passage of time. Just because an old code has now been superseded by a new one, is no reason to throw the old one away. This is for a very specific reason. A lot of buildings in your community were built under a code as it applied at the time that it was constructed. It may or may not have to comply with modern provisions. In fact, if we look carefully at the various eras of construction in almost all of our communities, there are buildings that have been built in the past that are distributed through your building stock that are nonconforming. Depending upon when a building was actually constructed, the codes that might have been in effect at that time were altogether appropriate. As time goes on, and as codes become more sophisticated, these buildings eventually become non-compliant with modern codes. However, that doesn't give you the right to go back and force them to retroactively bring everything up to code.

This discussion centers on a couple of very contradictory concepts. The first is the idea of compliance versus non-compliance. When a building is going through the initial development there is a timeframe in which it is being planned, then built, then given a certificate of occupancy that is in compliance with the code at the time. The next code cycle there might be a minor revision to the code sections that would have impacted that occupancy, but unless the community enacts a retroactive clause, it does not apply. Retroactivity is not assumed merely by the passage of the new code. Retroactivity must be specifically called out if it is fully intended that an organization wants to make sure that a building remains compliant by each and every new code adoption process.

This concept is paralleled by the idea called "grandfathering". The grandfathering clause is when you pass a law that imposes a new requirement within an occupancy for a specific set of circumstances but exempts all of the buildings that were built prior to its adoption. In other words, the occupancy is allowed to remain non-compliant because it is the grandfather of the current requirements.



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What all of these concepts lead to is the idea that a fire prevention bureau should never throw away a code document that applies during a particular time of development. Granted, most of our codes are now on a very frequent cycle and it is almost impossible to have all of your buildings inspected in the time period between code adoption cycles. Therefore, what should be a common practice in a fire prevention bureau is that at the end of a code cycle, one complete set of the codes and the standards that were in existence for that timeframe, be institutionalized and placed in an archival library within the bureau's control.

This could be a space consuming process if one goes back over 100 years. However, with modern technology such as digital scanners and the ability to reproduce documents in a pdf format, there should be absolutely no reason whatsoever why a fire department would discard their legacy codes arbitrarily. It may not be necessary to keep all the copies that have been used by every fire inspector but a master copy should be retained and clearly marked.

The term we might apply to old documents like this is that they are "legacy documents". In other words, the document is part of your past that may not apply today. There may not be any reason whatsoever to go back and check up on these codes if nothing happens to a structure. However, it is conceivable that a building will have sat unharmed and undamaged for decade's maybe even centuries before something occurs. The purpose of having these codes in the library is to establish a baseline of what was supposed to be there in the first place.

It is now pretty well established that existing fire and building codes will simply not remain static for very long. There are too many influences and too many code change proposals coming along that require these documents to be updated. They are becoming increasingly complicated over time.

It is also true that a fire protection agency that is enforcing its code that doesn't have a firm grasp of its legacy code requirements that it may find itself pitted against the occupancy clientele base over interpretation. It is important to know when a building is in non-compliance with existing codes but that doesn't make it a bad building. It is important to know that a retroactive clause has been imposed and needs to be enforced when required. Legacy codes are sort of like a forensic laboratory in that they have the fingerprints of the past all over them.

If your organization is fairly new, start the practice right now. If your organization has a few years of experience under its belt, it might be time to go back and look in those cabinets, closets, bookshelves, and desk drawers and find at least one copy of your legacy codes and set them up in a location where they can be easily retrieved if the time comes to ask the question; what was the requirement way back then?