

Authorities Having Jurisdiction

By Ronald L. Geren, AIA, CSI, CCS, CCCA, SCIP

I'm going to begin this article with a little quiz: Assume you're the architect or contractor for a new elementary school in the county. Who is the "authority having jurisdiction"? Is it:

- a) The state fire marshal?
- b) The county building department?
- c) The county health department?
- d) The state education department?
- e) The local private fire department?
- f) All of the above?

If you answered "f," you're probably closer to being correct than any of the other answers. If you're asking yourself, "How can that be?" then this article will hopefully clarify the issue for you.

The term "authority having jurisdiction," commonly referred to as AHJ, is quite nebulous and covers a variety of regulating organizations. People tend to apply the term when the person, or persons, regulating a specific area is unknown. Its most common application is in reference to the building official responsible for building code enforcement. But, the AHJ term (it's closer to a title than a term) encompasses more than just building code compliance. The National Fire Protection Agency (NFPA), which uses the term throughout their codes and standards, has officially defined it as "the organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure."

However, that still doesn't explain why all those departments and agencies are considered AHJs. NFPA agrees that the term is broad, and in their annexes, explain that "jurisdictions and approval agencies vary, as do their responsibilities." Fortunately, the NFPA annexes help to narrow that broad term down by listing some common AHJs:

"Where public safety is primary, the [AHJ] may be a federal, state, local, or other regional department or individual such as a fire chief; fire marshal; chief of a fire prevention bureau, labor department, or health department; building official; electrical inspector; or others having statutory authority. For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the [AHJ]. In many circumstances, the property owner or his or her designated agent assumes the role of the [AHJ]; at governmental installations, the commanding officer or department official may be the [AHJ]."

What makes the AHJ term so confusing is how some people tend to define the words used. First, let's look at the word "authority" as defined by Merriam-Webster: "*Persons in command.*" This is fairly straightforward, but on the other hand, the word "jurisdiction" is rather general in scope, and its use here is narrower than most people think. It implies something much smaller than a city, county or state. As defined by Merriam-Webster, "jurisdiction" is "*the limits or territory within which authority may be*

exercised.” To paraphrase the definitions, an AHJ would be “command within limits,” where, in this case, the “limits” is the scope of what they regulate.

For the building official, the limits may be the building, electrical, plumbing, and mechanical codes adopted by the city, county, or state. Anything not within those documents would be outside their “jurisdiction” unless specifically assigned by an ordinance or other authorizing document. For example, in most cases, the building official would have no jurisdiction in road construction, which is typically regulated by the respective transportation departments.

Also, there may be more than one organization, agency, or department that has jurisdiction over a particular area, but only one may have authority. A good example of this overlap is the one between local and state fire marshals. If the project is a state project constructed within city limits, the two fire marshals may have jurisdiction regarding the fire code, but only the state fire marshal may have the authority.

Using my elementary school example at the beginning of the article, each of those AHJs listed has authority, or command, that is specific to certain aspects of the project. In my local area (Maricopa County, Arizona), the following could apply:

- The State Fire Marshal would check for compliance with the Arizona State Fire Code, including fire sprinkler and alarm design. The State Fire Marshal may relinquish their authority to a local authority upon request (i.e. the cities of Scottsdale and Phoenix have such an agreement with the State Fire Marshal).
- The Maricopa County Planning and Development Department would review for compliance with the applicable building, plumbing, mechanical, and electrical codes. This jurisdiction overlaps that of the State Fire Marshal’s in regard to life safety issues, such as means of egress.
- The Maricopa County Environmental Health Division is responsible for compliance with the County Health Code, and establishes requirements for plumbing fixtures, play fields and yards, finishes, and food preparation and serving areas.
- The School Facilities Board has requirements that the project must comply with to receive funding.
- The local private fire department would check for compliance to requirements for fire department connections and fire hydrants, which overlaps the jurisdiction of the State Fire Marshal, but not the authority.

These are only examples. A project may have AHJs in addition to those listed, or they may have fewer. There are some AHJs that are not readily known to the architect, engineer, contractor, or even the owner. These may include:

- Environmental department for air quality emissions such as dust control.
- Flood control districts for special requirements within a flood management area.
- State transportation department for work within a state highway right-of-way.
- An owner’s insurance agent such as Factory Mutual Global.
- Some police departments for crime prevention through environmental design (CPTED) review.

There are some AHJs that people are aware of, but they don't really consider them as AHJs:

- Utility companies such as electrical, gas, telephone, and cable.
- Zoning departments.
- Elevator inspectors.

For the organizations, agencies, or departments listed above, each may have their own piece of a project for which they regulate or control; their "jurisdiction." And, within that jurisdiction they have the "authority" to enforce compliance. For some AHJs, such as building departments, failure to comply with their requirements could result in no certificate of occupancy, or possibly fines. For others, noncompliance could result in termination of services (i.e. utility companies), no coverage under an insurance policy, or possible legal action.

But how do you know who all the AHJs are on a project? The answer: experience. There's no single source to go to that lists every conceivable AHJ applicable to a particular project type and location. A good way to find out who the AHJs are on a project is to ask: ask the city or county, ask members on the design team (including consultants), ask the owner (this may not be their first project in this location), and ask colleagues who've worked on similar projects in the same area. I'm sure there are other sources of information. In either case, eventually (maybe even a couple of years after project completion) you'll probably know who all the AHJs are on the project, as they'll make their presence known if something isn't in compliance, or if the project didn't go through their agency for review.

Building construction involves a lot of people from a variety of specialty areas. When starting a project, investigate all the possible ties that building has with the community. To begin, list all possible aspects of the project that could be regulated by others (i.e. food service, educational occupancy, utilities, elevators, etc.), and then contact the organizations that might be the AHJs for those areas. If they're not the ones, they may point you in the proper direction. A project start-up checklist may facilitate this process, especially if it's updated regularly. In closing, keep this one simple thought in mind: All building code regulating agencies are AHJs, but, not all AHJs are building code regulating agencies. A thorough research at the beginning could prevent potential problems later on.

To comment on this article, suggest other topics, or submit a question regarding codes, contact the author at ron@specsandcodes.com.

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