

Town of Pelham - Code of Conduct for Building Officials

BLDG/17 POLICY (2004) STATEMENT:

WHEREAS the Building Code Statute Law Amendment Act, 2002 amended the Building Code Act, 1992 to include a provision requiring that municipalities establish and enforce a Code of Conduct for chief building officials and inspectors not later than July 1, 2005, and bring it to the attention of the public;

NOW THEREFORE the Council of the Town of Pelham enacts this policy and its standards of conduct and professionalism as its Code of Conduct for Building Officials. The Code of Conduct applies to the chief building official and inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Ontario Building Code. The purpose of this Code of Conduct is to promote appropriate standards of behaviour and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

STANDARDS OF CONDUCT FOR BUILDING OFFICIALS

Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings and designated structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the Building Code Act, the Building Code and any other Act or applicable law that regulates or governs building officials and their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favor and independent of the influence of interested parties or members of municipal council;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. Extend professional courtesy to all;
11. Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions;
12. Recognize the appointment under the Building Code Act as a symbol of public faith;
13. Maintain current accreditation to perform the functions assigned to them;
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and,
15. Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a building official.

GUIDELINE FOR RESPONDING TO MISCONDUCT ALLEGATIONS

The Building Code Act provides that the performance of building officials will be measured against this code of conduct. In response to any allegation of a breach of this code by an inspector, the chief building official shall direct an investigation and where appropriate, recommend disciplinary action against any inspector who fails to comply with this code of conduct to the Chief Administrative Officer. Where the allegation is against the chief building official, the Chief Administrative Officer shall direct the investigation and take such disciplinary action as is reasonable in the circumstances and report such action to the Council.

In determining the appropriate discipline, the chief building official or chief administrative officer will have regard to the relevance of the conduct to the building official's powers and responsibilities as well as the severity of any misconduct.

PUBLIC NOTIFICATION PRACTICE

This Code of Conduct is posted on the Town's website, published in the Town's Community Guide, and inserted in the "Building Permits-A Guide for Homeowners" handout to ensure it has been brought to the public's attention.