

ORGANIZATION AND ENFORCEMENT

2.1 CODE ENFORCEMENT AGENCY

- 2.1.1** The Government shall establish a new or designate an existing department/agency responsible for enforcement of this Code throughout Bangladesh. Code enforcing agency shall have the authority of the government and shall herein be referred to as the Building Regulatory Authority (BRA). This Authority shall work as apex body to implement the provisions of the Bangladesh National Building Code (BNBC) and will be administered under the Ministry of Housing and Public Works, Government of Bangladesh.
- 2.1.2** Central Headquarters of BRA will be located in Dhaka or any other place as decided by the government. Headed by one Chairman it will have Members not exceeding five. There will be necessary officers and staff for smooth functioning of the office.

2.2 ENFORCEMENT AT THE FIELD LEVEL

- 2.2.1** The Building Regulatory Authority will designate a section/wing/part/branch/division of any public office engaged in the development sector with specific geographical jurisdiction as sub-ordinate office of BRA. These offices will be named as Office of the Building Official (OBA). OBAs will be established at various local/regional development area or local government levels.
- 2.2.2** These Offices of Building Official will have necessary number of officers, technical assistants, inspectors, and other employees as shall required for proper implementation and administration of the provisions of the Code. All the officers and staff of these field offices shall be under administrative control of BRA. They will be in the pay-roll of the office they will be serving and will be treated as on deputation to BRA.

2.3 BUILDING OFFICIAL

- 2.3.1** The administrative and operational chief of the code enforcing office shall be designated as the Building Official who shall act on behalf of the Authority. The Building Official will exercise the power and perform responsibilities and duties of Authorised Officer as laid down in the Building Construction Act. The Building Official may designate an employee or employees who shall carry out the specified duty and exercise the specified power of the Building Official.
- 2.3.2** The Authority may direct that power of Building Official may be exercised through a Building Construction Committee (B.C.Committee). 75% or more members in such committees shall comprise of professionals like architects, civil engineers and town planners. Building Official shall work as ex-officio member-secretary of the B.C. Committee.

2.4 ADMINISTRATIVE JURISDICTION OF BUILDING OFFICIALS

- 2.4.1** The areas delineated below in the table shall be under the jurisdiction of the Building Officials located in the offices /authorities mentioned in the right hand column:

Sl.	Area	Authority
1	Areas falling under the master plan control of Rajdhani Unnayan Kartipokkhka (Raj.U.K)	Raj.U.K
2	Areas falling under the master plan control of Chittagong Development Authority (C.D.A.)	C.D.A.
3	Areas falling under the master plan control of Rajshahi Development Authority (R.D.A)	R.D.A
4	Areas falling under the master plan control of Khulna Development Authority (K.D.A)	K.D.A
5	Areas falling under the master plan control of any Development Authority to be established in future	relevant development authority
6	Areas falling under the geographical jurisdiction of any City Corporation where no Development Authority exists	relevant city corporation
7	Areas falling under the geographical jurisdiction of any Municipality where no Development Authority exists	Relevant municipality
8	Areas not falling under any of the above	PWD division office in each administrative district
9	Special areas, if any	To be declared by the government as and when necessary

2.4.2 There may be as many Building Officials as required depending upon the area of jurisdiction. But every Building Official will be in charge of an independent and well demarcated area.

2.5 MERGING THE JURISDICTIONS UNDER SMALL LOCAL BODIES

Small local bodies like pourashavas and thanas located outside the larger city municipalities and having insufficient funds for individually carrying out the task of a code enforcing agency may jointly appoint or designate, with the approval of the authority, a Building Official who shall have a jurisdiction over the combined area of jurisdiction of the concerned local bodies.

2.6 QUALIFICATION OF THE BUILDING OFFICIAL

The person to be designated as the Building Official shall be at least an architect, civil engineer, or town planner in addition to fulfilling any other requirement of the Authority. The employees of the Building Official shall be adequately qualified to carry out the responsibilities assigned to them by the Building Official.

2.7 RESTRICTIONS ON THE BUILDING OFFICIAL

The Building Official or any of his employees shall not in any way, directly or indirectly, be engaged in planning, design, construction, repair, maintenance, modification or alteration of a building, certification of any work or materials, supply of materials, labour, equipment or appliances or any other work regulated by the provisions of this Code. The Building Official or any of his employees shall not be interested in business, either directly or indirectly, as planner, engineer, architect, builder or supplier or in any other private business transaction or activity within the jurisdiction of the Authority which conflicts with his official duties or with the interest of the code enforcing agency.

2.8 DAMAGE SUIT

In the process of discharging the official duties as required and permitted by the Code, the Building Official or any of his employees shall not be personally liable for any damage that may be caused to any person or property. Any suit filed against the Building Official or any of his employee because of an act performed by him in the official discharge of his duties and under the provisions of the Code shall be defended by the legal

representative of the Authority until the final decision of the proceedings. In no case shall the Building Official or any of his employees be liable for costs in any legal action, suit, or defence proceeding that may be filed in pursuance of the provisions of the Code.

2.9 POWERS AND DUTIES OF THE BUILDING OFFICIAL

2.9.1 General

The Building Official shall be authorized to enforce all the provisions of this Code and for such purposes the Building Official shall have the power of a law enforcing officer.

The Building Official shall be authorized to interpret this Code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions in conformity with the intent and purpose of this Code.

2.9.2 Deputies

The Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time in accordance with the prescribed procedures and with the approval of the Authority.

The Building Official may designate such officers or inspectors as may be necessary to carry out the functions of the code enforcement agency.

2.9.3 Recognition of Professional Services

The Building Official may recognize the professional services provided by architects, engineers, planners and supervisors. Such recognition may be withdrawn by the Building Official under the provisions set forth in Sec 2.6.3.

2.9.4 Application and Permits

Applications shall be made in writing to the Building Official for any erection, construction, addition, alteration, modification, repair, improvement, removal, conversion or demolition of any building or structure regulated by this Code. The Building Official shall receive such applications, examine the premises, enforce compliance with this Code and issue permits for the intended work.

2.9.5 Building Notices and Orders

All necessary notices and orders to correct illegal or unsafe conditions, to require the specified safeguards during construction, to require adequate access and exit facilities in existing buildings and to ensure compliance with all the requirements of safety, health and general welfare of the public as included in this Code shall be issued by the Building Official.

2.9.6 Right of Entry

The Building Official may enter a building or premises at reasonable times to inspect or to perform the duties imposed by this Code if:

- i) it is necessary to make an inspection to enforce the provisions of this Code; or
- ii) the Building Official has reasonable cause to believe that a condition contrary to or in violation of this Code exists making the building or the premises unsafe, hazardous or dangerous.

If the building or premises is occupied, the Building Official shall present credentials to the occupant and request entry. If the building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or any other person having charge or control of the building or premises and request entry. If entry into the building or premises is refused or the owner of the unoccupied building or premises cannot be located, the Building Official shall secure entry as provided by the law.

2.9.7 Inspection

The Building Official shall inspect all construction or work for which a permit is required or he shall accept reports of inspection by an engineer, architect or planner and may approve or disapprove the work inspected. The work or construction to be inspected shall remain accessible and exposed for inspection purposes until the approval is obtained.

All reports of inspection shall be in writing and certified by the Building Official or the engineer or the architect making the inspection.

Approval of work or construction as a result of such inspection shall not be interpreted to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction.

The Building Official may require survey of the site and adjoining areas to verify that the structure is located in accordance with the approved plans.

2.9.8 Orders to Stop Work

The Building Official may issue an order for immediate discontinuation of a work and cancellation of a previous permit for such work at any stage if:

- i) any work is being done contrary to the provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code; or
- ii) it is determined by the Building Official that the construction is not proceeding according to the approved plan.

In such cases the Building Official shall notify the owner in writing of such an order and all further construction shall be stayed until correction has been effected and approved.

2.9.9 Occupancy Violation

The Building Official may order the current uses of a building discontinued and the building or portion thereof vacated by serving a notice on any person if the Building Official determines that the building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this Code.

2.9.10 Maintenance of Records

The Building Official shall maintain records of all applications and drawings received, permits and orders issued, inspections made and reports prepared and submitted by other recognized agencies. Copies of all relevant papers and documents for enforcement of the Code shall be preserved by the Building Official. All such records shall be kept open to public inspection at all suitable times.

2.9.11 Expert Opinion

The Building Official may engage, subject to the approval of the Authority, an expert or a panel of experts for opinion on unusual technical issues that may arise in administering the provisions of the Code.

2.10 APPEALATE AUTHORITY

There shall be an Appealate Authority to hear and decide appeals of orders, decisions or determinations made by the Building Official related to the application and interpretation of this Code. It shall be constituted as per the provision laid out in the Building Construction Act. The Appealate Authority shall provide reasonable interpretation of the provisions of this Code and determine the suitability of alternative materials or methods of design or construction. Such Board shall consist of members appointed by the Authority who are noted for their education and experience in the relevant field of building construction and whose term of office shall be at the pleasure of the Authority. This body shall, with the approval of the government, adopt rules of procedure for conducting its business, and shall communicate all decisions and findings in writing to the appellant with a copy to the Building Official.

This authority shall have no discretion for interpretation of the administrative provisions contained in Part 2 of this Code nor shall the be empowered to waive any requirement of this Code.

2.11 REQUIREMENT OF CERTIFICATION OF WORK

Any planning, design, supervision of construction, repair, maintenance, modification and alteration of buildings, or any other work regulated by the Code shall be certified by an engineer, architect or planner for its compliance with the provisions of the Code.

2.12 LIMITS OF PROFESSIONAL CONDUCT

An architect, engineer or planner assisted if necessary by personnel working under his direct control, shall be allowed to plan, design and supervise construction, repair, maintenance, alteration and modification of buildings or structures regulated by this Code provided he certifies compliance of the work with the provisions of the Code. Such a person may provide any such certificate as long as his or her services are recognized by the Building Official as specified in Sec 2.9.3 and such recognition is not withdrawn under the provisions of Sec 2.13.2 withdrawn under the provisions of Sec 2.13.2

2.13 VIOLATION AND PENALTIES

2.13.1 General

Any person, firm, corporation or government department or agency who as owner of the property erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure or cause or permit the same to be done in violation of this Code shall be guilty of an offence and the Authority shall take legal action against such offenders. The term owner shall, for the purpose of these provisions include any developer who by appointment, contract or lease is or has been responsible for the actions listed above.

2.13.2 Professional Violation

The engineer, architect or planner responsible for design, supervision or certification of any construction or other work of a building or structure shall ensure compliance of such work with the provisions of this Code, any violation of which or any other professional misconduct insofar as implementation of the provisions of this Code is concerned including making false statements or issuing false certificates or any incidence of proven professional incapability shall make him liable to penalties as prescribed by the Authority including withdrawal of recognition.

2.13.3 Obligation of Offender

A person shall not be relieved from the duty of carrying out the requirements or obligations imposed on him or her by virtue of the provisions of this Code even if such person is convicted for an offence under the provisions of this section.

2.13.4 Conviction No Bar to Further Prosecution

If a person is convicted under the provisions of this Code for failing to comply with any of its requirements or obligations such conviction shall not act as a bar for further prosecution for any subsequent failure on the part of such person to comply.

2.14 POWER TO MAKE RULES

The Authority may make rules for carrying out the provisions and intentions of this Code. Such rules shall not contradict nor nullify any of the provisions of this Code. The Authority may fix and refix from time to time application fees for issuance of permits for all works under the provisions of this Code.