

**ORDINANCE**  
**CITY OF NEW ORLEANS**

**CITY HALL: October 1, 2020**

**CALENDAR NO. 33,147**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER WILLIAMS**

**AN ORDINANCE** to amend and reordain Section 26-15 of the Code of the City of New Orleans, relative to peer review of structural design and inspection by engineers of record during construction, to specify where such reviews and inspections are required, how and by whom they are to be performed; and otherwise to provide with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Section 26-15 of the Code of the City of New Orleans is hereby amended and reordained to read as follows:

**“Section 26-15. Same—Amendments.**

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**CHAPTER 1**

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**SECTION 122 - INDEPENDENT STRUCTURAL PEER REVIEW**

**122.1 General.** The purpose of this section is to provide for an independent and objective structural review of a project, conducted by an approved civil or structural engineer, to increase the welfare and safety of the public, users and workers with respect to the finished product. The provisions of this section specify where independent structural peer review is required, how and

by whom it is to be performed. These provisions shall become effective on the ninetieth day following adoption of this ordinance.

**122.2 Definition of Structure.** For the purpose of this section, “structure” includes the structural frame and the load supporting parts of floors, roofs, walls, foundations, cladding, cladding framing, stairs, equipment supports, railings and other secondary structural items.

**122.3 Where required.** An independent structural peer review of the primary structure shall be performed and a report provided for the following buildings:

- a. Buildings greater than 75 feet in height (measured from grade level to the average height of the highest roof surface); or
- b. Buildings where an independent structural peer review is specifically requested by the Building Official.

**122.4 Structural Peer Reviewer.** The structural peer review shall be performed by a qualified independent civil or structural engineer who has been retained by or on behalf of the owner of the property. This structural peer reviewer shall meet specific qualification requirements, including but not limited to, demonstrable experience in the structural design and/or peer review of structures similar in scope and complexity. The Department of Safety and Permits shall establish a qualification program for independent structural peer reviewers and compile a list of such persons from which the property owner shall select. The reviewing engineer shall not engage in any activities that may conflict with their objective judgment and integrity, such as having a financial and/or other interest in the design, construction, installation, manufacture or maintenance of structures or components that they are reviewing.

**122.5 Scope of Structural Peer Review.** The structural peer reviewer shall review the plans and specifications submitted with the original permit application, and all subsequent revisions thereto,

for compliance with the structural and foundation design provisions of the Building Code and all related structural codes and technical standards. At a minimum, the reviewing engineer shall perform the following tasks:

- a. Confirm that the design loads conform to this Code;
- b. Confirm that other structural design criteria and design assumptions conform to the applicable codes and are in accordance with generally accepted engineering practice;
- c. Review geotechnical and other engineering investigations that are related to the foundation and structural design and confirm that the design properly incorporates the results and recommendations of the investigations;
- d. Confirm that the structure has a complete load path;
- e. Perform independent calculations for a representative fraction of the systems, members and details to check their adequacy. The number of representative systems, members and details verified shall be sufficient to form a basis for the reviewer's conclusions;
- f. Verify that the design engineer of record complied with the structural integrity provisions of the applicable codes;
- g. Verify that performance-specified structural components (such as certain precast concrete elements) have been appropriately specified and coordinated with the primary building structure;
- h. Review the structural and architectural plans for the building. Confirm that the structural plans are in general conformance with the architectural plans regarding loads and other conditions that may affect the structural design;
- i. Confirm that major mechanical items are accommodated in the structural plans;

- j. Confirm that all items within the definition of “structure” under Section 122.2 are in accordance with the applicable codes; and
- k. Attest to the general completeness of the structural plans and specifications.

**122.6 Structural Design Criteria.** If the design criteria and design assumptions are not shown on the drawings or in the computations, the civil or structural engineer of record shall provide a statement of these criteria and assumptions for the reviewer. In addition, the structural calculations prepared by the civil or structural engineer of record shall be submitted to the reviewing engineer upon his/her request.

**122.7 Structural Peer Review Report.** The reviewing engineer shall submit a report to the Department of Safety and Permits stating whether or not the structural design shown on the plans and specifications generally conforms to the structural and foundational requirements of the applicable codes. The report shall demonstrate, at a minimum, compliance with items (a.) through (k.) of Section 122.5. In addition, the report shall also include the following:

- a. The codes and standards used in the structural design of the project;
- b. The structural design criteria, including loads and performance requirements; and
- c. The basis for design criteria that are not specified directly in applicable codes and standards. This should include reports by specialty consultants such as wind reports and geotechnical reports. Generally, the report should confirm that existing conditions at the site have been investigated as appropriate and that the design of the proposed structure is in general conformance with these conditions.

**122.8 Phased Submission.** If an application is submitted for a permit for the construction of foundations or any other part of a building before the construction documents for the whole building have been submitted, the structural peer review and report shall be phased. The structural

peer reviewer shall be provided with sufficient information on which to make a structural peer review of the phased submission.

**122.9 *Response to reviewer recommendations and disputes.*** The contents of the peer review report shall be presented to the civil or structural engineer of record and the owner of the property before being submitted to the Department of Safety and Permits. The engineer of record must respond to any recommendations presented in the report, but is not obligated to agree with them. If the engineer of record and the peer reviewer are unable to resolve all differences, the engineer of record must document any disagreements for submission to the Department of Safety and Permits. Upon review, the Department may make a decision or may accept a change of the peer reviewer; however, the peer reviewer cannot be changed without the express consent of the Department. If a request is made for a change of the peer reviewer prior to completion of the peer review report, the current peer reviewer shall submit a written letter to the Director of Safety and Permits detailing the circumstances surrounding the withdrawal request and a report of the structural peer review findings to date.

**122.10 *Responsibility.*** The civil or structural engineer of record shall retain sole responsibility for the structural design. The activities and reports of the structural peer reviewer shall not relieve the civil or structural engineer of record of this responsibility. The structural peer reviewer's report states his or her opinion regarding the design by the engineer of record. The standard of care to which the reviewing engineer shall be held in the performance of the structural peer review and report is that the level of skill and care are consistent with structural peer review services performed by professional engineers licensed in the State of Louisiana for similar types of projects.

**122.11 *Promulgated rules to effectuate intent.*** The Department of Safety and Permits shall promulgate regulations needed to effectuate the intent of this section in accordance with Section

2-1000 of the Code of the City of New Orleans and submit such regulations to the City Council for approval no later than sixty days after adoption of this ordinance.

## **SECTION 123- INSPECTION BY PROFESSIONALS OF RECORD**

**123.1 General.** The purpose of this section is to provide for periodic physical inspection of work by the engineer of record, or a certified third party engineer retained by or on behalf of such engineer, throughout the construction period. These provisions shall become effective on the ninetieth day following adoption of this ordinance.

**123.2 Applicability.** The provisions of this section shall apply to the new construction of any commercial structure, regardless of size, and to any residential structure taller than three floors.

**123.3 Required inspections.** Wherever the applicable construction codes or city policies require inspection of such projects included in Section 123.2, the engineer of record for that particular function, or a certified third party engineer retained by or on behalf of the engineer of record, shall physically inspect the premises and report his or her findings to the Department of Safety and Permits. The Department shall not approve an inspection absent a favorable inspection by the pertinent engineer. The Department of Safety and Permits shall approve the use of a third party engineer for such inspection, and in any event, the engineer of record shall sign off on an inspection conducted by his or her representative. Inspections mandated by this section are intended to supplement those inspections and approvals provided by City inspectors, to ensure that work is completed according to design.

123 **123.4 *Promulgated rules to effectuate intent.*** The Department of Safety and Permits shall  
124 promulgate regulations needed to effectuate the intent of this section in accordance with Section  
125 2-1000 of the Code of the City of New Orleans and submit such regulations to the City Council  
126 for approval no later than sixty days following adoption of this ordinance.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**

**DELIVERED TO THE MAYOR ON**

**MAYOR**

CLERK OF COUNCIL

**YEAS:**

**ABSENT:**