

Practice Pointer



Investigating deck collapses

Outdoor decks have become a common fixture on many residential dwellings. Sometimes the decks are built as part of new construction and sometimes they are built as afterthoughts by the homeowner.

Fairfax County has been a leader in the development of what is called the "Typical Deck Detail." The "Typical Deck Detail" is a document that sets forth the specifics of how to build a typical exterior deck off a home.

If you have a case involving a fall from a deck or the collapse of a deck, you need to research the applicability of the "Typical Deck Detail." A deck must be distinguished from a balcony. If you have ever been to New Orleans, you probably have seen balconies that overhang the sidewalks and the streets in the French Quarter. Those are not decks.

The incentive for local jurisdictions to develop a "Typical Deck Detail" is to streamline the approval process for such construction. If the proposed deck that a homeowner or contractor wishes to build complies with the particulars of the "Typical Deck Detail," then there is no need for a detailed plan submission to the local building inspector. In addition, the approval process becomes fairly simple because once the permit for the typical deck is obtained then all that need be done after compliant construction is to have the deck inspected by the local building official.

If the deck is not a "typical deck" then detailed plans need to be submitted to the local jurisdiction along with proof that the materials, consisting of posts, handrails, guardrails, and fasteners have been properly tested and meet criteria as far as durability and strength. Once those things have been established then a permit may be obtained and thereafter upon completion of the deck it would have to be inspected by the local building official.

Most falls from decks involve some deficiency in the handrail/guardrail system. The basic Code requirement from the Uniform Statewide Building Code is that the handrail must be able to resist 200 pounds of pressure at any point. If you should have the occasion to investigate a deck fall, your inquiry should consist at the very least of the following:

1. Determine from the local building inspector whether the jurisdiction where the deck is built has a "Typical Deck Detail" and if so obtain a copy of that document. The "Typical Deck Detail" is not part of the building code. However, if it exists in that jurisdiction then it must be complied with for the construction of a typical deck.
2. Determine whether the deck is, in fact, a "typical deck." A typical deck is one that is elevated off the ground and is supported by a system of posts that are secured into the ground.
3. If the deck is not a typical deck, then the deck should have been constructed with plans and materials approved by the local building inspector. Those plans must set forth the particulars of the deck. All materials comprising the deck must be approved by the local building official in terms of durability and strength.

If the local jurisdiction has not adopted a "Typical Deck Detail," then it may have adopted publication DCA6 from the American Wood Council which is essentially the same as the "Fairfax County Typical Deck Detail."

The key to your case is going to be to determine whether the deck is, in fact, a typical deck, was it built in compliance with the "Typical Deck Detail" of the local jurisdiction and if not then was there proper plan submission, plan approval, permit issuance and inspection by the local jurisdiction before the deck was used.

— submitted by *Brien Roche*