

STATE BUILDING CODE INTERPRETATION NO. I-08-00

February 28, 2000

The following is offered in response to your request for interpretation of the State Building Code as it would apply to a two family dwelling constructed and issued a Certificate of Occupancy in 1968. In 1996 an accident occurred at the referenced property resulting in injury from breakage of glass in a non-safety glazed storm door. The glass in question is reported to be that which was originally installed in 1968. Your questions deal with sections in the 1994 State Building Code (that is the code that was in effect at the time of the accident in 1996).

Question 1: “Given that CABO 1989 Section R208.4 identifies hazardous locations for glazing and Section R208.3 requires either compliance with CPSC 16-CFR part 1201 or comparative test, is the storm door glazing in violation of BOCA 1990 Section 100.4, 101.3 or 103.1 or am I correct in saying no violation has occurred in that the glazing was maintained (not broken)” [until the time of the accident].

Answer 1: The State of Connecticut made adoption of the State Building Code mandatory for all municipalities effective September 1, 1971. Any buildings or structures constructed previous to that date were not required to comply with the State Building Code. The hazardous locations set forth in CABO 1989, Section 208.4, which include storm doors, are meant to apply to new construction and replacement of glass, not to legally existing glass not being replaced. Section 103.1 of the BOCA 1990 code, which is used to administer Use Group R-4 one- and two-family dwellings, states in part that the legal use and occupancy of any structure existing on the date of adoption of the code shall be permitted to continue without change. If the code in effect at the location of the construction in 1968 allowed storm doors without safety glazing, Section 103.1 would allow the continued use of that storm door.

Question 2: “If a repair of the glass in the storm door takes place and the requirements of Section R-208.3 are not complied with, then am I correct in saying that a violation of Section R208.3 and BOCA 100.4 has occurred.”

Answer 2: Assuming that you are referencing the replacement of glass in the storm door in 1996, after the accident that caused the breakage, Section 111.1 of the BOCA 1990 code would require a permit for the replacement of the glass and Sections R-208.3 and R-208.4 would require that the new glazing in the storm door pass the test

requirements of CPSC 16-CFR part 1201, or by comparative test be proven to produce at least equivalent performance. If this were not done, a violation of the 1994 State Building Code would exist with respect to the 1996 installation of non-code compliant glass in the storm door.

Question 3: “BOCA 1990 Section 103.1 in part states ‘or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.’ Is it possible to interpret this to mean that if an accident occurs, that now Section R208.3 would apply and a violation cited, using the above scenario.”

Answer 3: Section 103.1 of the BOCA 1990 code could not be used to cite a violation based on glazing installed in the storm door in 1968 assuming that the glass in the door was legally existing on the date of adoption of the 1994 State Building Code. Section 104.2 of the BOCA 1990 code states in part that all safeguards which are required by a previous statute in a building or structure, when erected, shall be maintained in good working order. If it were determined that safety glazing was required when the dwelling was constructed in 1968, it should have been maintained in good working order. One would have to research the code in effect in 1968 to determine the existence of a violation of that code, and to determine how such violation should be abated.