

## STATE BUILDING CODE INTERPRETATION NO. I-8-99

February 14, 2000

The following is offered in response to your letter to me in which you seek official interpretations of the 1994 State Building Code to the following questions:

**Question Ia:** “Does the Connecticut Building Code allow a building official to institute a proceeding at law or in equity to restrain, correct or abate a violation?”

**Answer Ia:** Section 117.3 of the code states, in part, “If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation...” The BOCA commentary to this section states “The code official shall pursue, through the use of legal counsel of the jurisdiction, legal means to correct the violation.” The implication of both the code and the commentary is that the building official would notify legal counsel of the jurisdiction who would in turn institute the appropriate legal action.

**Question IIa:** “What designation and date applies to the first “official interpretation” presenting the opinion that roof shingling requires a permit?”

**Answer IIa:** The first officially designated document issued by a State Building Inspector that I was able to locate which deals with the matter of permits required for roof shingling is Clarification C-3-93 issued by Donald Vigneau A.I.A. on March 12, 1993. Section 3a of said document states “Adding a new roof over an existing roof is new construction regulated by Section 2303.2.” The clarification goes on to say that new construction work would require a building permit. An informal letter from me to you dated June 8, 1998 also speaks to the issue of the need for a permit for re-roofing.

**Question IIIa:** “Which provision of the Connecticut Building Code considers light bulb replacement ‘maintenance’? In the absence of any such provision, what designation and date applies to the first “official interpretation” presenting the opinion that light bulb replacement is ‘maintenance’?”

**Answer IIIa:** Section 104.1 is the section of the code that specifies that ordinary repairs do not require application for a permit. Rather than enumerating those items that are considered ordinary repairs, the code includes a list of items that are not considered to be included as ordinary repairs. The electrical items included in the list not to be

considered as ordinary repairs include electric wiring. Since the replacement of a bulb involves no change to the wiring, in that there is no direct connection of the bulb to any wiring, it can be considered an ordinary repair. Interpretation I-7-98, issued July 14, 1998, to you, also deals with this issue at item 6a.

**Question IIIb:** “Which provision of the Connecticut Building Code considers fuse replacement “maintenance”? In the absence of any such provision, what designation and date applies to the first “official interpretation” presenting the opinion that fuse replacement is “maintenance”?”

**Answer IIIb:** Section 104.1 is the section of the code that specifies that ordinary repairs do not require application for a permit. Rather than enumerating those items that are considered ordinary repairs, the code includes a list of items that are not considered to be included as ordinary repairs. The electrical items included in the list not to be considered as ordinary repairs include electric wiring. Since the replacement of a fuse involves no change to the wiring, in that there is no direct connection of the fuse to any wiring, it can be considered an ordinary repair. Interpretation I-7-98, issued July 14, 1998, to you, also deals with this issue at item 6b.

**Question IIIc:** “Which provision of the Connecticut Building Code considers circuit breaker replacement an “ordinary repair”? In the absence of any such provision, what designation and date applies to the first “official interpretation” presenting the opinion that circuit breaker replacement is an “ordinary repair”?”

**Answer IIIc:** The State Building Code does not consider replacement of a circuit breaker an ordinary repair. Interpretation I-7-98, issued July 14, 1998, deals with this issue at item 6b.

**Question IIId:** “Does a permit requirement for an activity mean or imply that such an activity poses a greater hazard or danger than an activity considered “maintenance” or “ordinary repair”? If not, what rationale governs the division of activities into permit, ordinary repair, and maintenance categories?”

**Answer IIId:** The intent of the code as set forth in section 100.4 is to insure public safety, health and welfare insofar as they are affected by building construction. The implication, therefore, is that issues regarding hazard or danger are to be reviewed in determining the need for a permit. The code also states at section 111.1 that it is unlawful to construct, enlarge, alter or demolish a structure; change the use of a structure; or install or alter any equipment for which provision is made or the installation of which is regulated by the code, without first obtaining a permit.