

STATE BUILDING CODE INTERPRETATION NO. I-19-01

May 25, 2001

The following is offered in response to your letter to me dated May 16, 2001, in which you ask for official interpretations of the 1994 State Building Code.

Question I: “What does the phrase ‘expressed intent’ mean in CSBC 100.4?”

Answer I: The language of the code directly following the referenced phrase clearly states what the expressed intent of the code is. The purpose of official interpretations, as I see it, is to explain those provisions of the code that are not clearly written, not to repeat the language of the code.

Question II: “Where does the phrase ‘to insure private (sic) safety, health and welfare’, or any variant of it, appear in the CSBC?”

Answer II: This request is not for an interpretation, but rather a request to perform a word search, which I respectfully decline to do.

Question III: “If the occupants of a single family residence refuse entry to a building official to examine suspected interior ‘construction’ or ‘alteration’, 1) What CSBC 103.2 ‘greater hazard to the public safety or welfare’ has occurred? 2) What CSBC 104.1 ‘work affecting public health or general safety’ has occurred; and 3) Has CSBC 110.3 ‘compliance with all the code requirements for the health, safety and general welfare of the public’ occurred?”

Answer III: Section 103.2 is applicable to change in use; section 104.1 is applicable to repairs and maintenance; and section 110.3 is applicable to orders necessary to remove illegal or unsafe conditions. Failure to allow entry to the building official denies him/her the opportunity to inspect and determine if the suspected interior construction or alteration results in an unsafe condition related to any of these matters, or any other issues relating to code compliance. While the owner of a single-family residence always has the right to refuse entry to anyone, the inability of the building official to perform his/her duties as a result of such denial will result in lack of inspection of any work performed, and the inability to approve such work as being code-compliant. It is possible that as a result of this, code violations creating unsafe conditions may be present in the residence, resulting in hazards to inhabitants and visitors to the residence, and indeed, to the community at large if the violations result in the destruction of property or any hazard which might effect adjacent property or the public utility systems connected to the residence.

Question IV a: “Why was it necessary or desirable to amend BOCA 115.4?”

Answer IV a: It was necessary to revise the referenced code section to maintain consistency with the language of Connecticut General Statute sections 29-261 and 29-393.

Question IV b: “Why was it necessary or desirable to amend section 113.4 of the 1996 BOCA to delete reference to constitutional limitations’?”

Answer IV b: It was necessary to revise the referenced code section to maintain consistency with the language of Connecticut General Statute sections 29-261 and 29-393.