

STATE BUILDING CODE INTERPRETATION NO. I-6-06

March 22, 2006

The following is offered in response to your February 13, 2006 letter to me in which you seek official interpretations of the provisions of Section 117.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code (SBC) which applies to permits applied for from May 1, 1999 through December 30, 2005.

Question 1: "If delivery of an SBC 117.1 Stop Work Order sent by certified mail does not occur, has a building official met the requirement to have 'given' such an order?"

Answer 1: Yes. Section 117.1 requires that the building official give a stop work order but is silent on how that should take place. If a building official elects to give a stop work order by certified mail and such mail is refused by the recipient, the building official has performed his duty to give the notice.

Question 2: "Has a building official 'given' an SBC 117.1 Stop Work Order by using USPS first class mail?"

Answer 2: Yes. Section 117.1 requires that the building official give a stop work order but is silent on how that should take place. If a building official elects to give a stop work order by first class mail, the building official has performed his duty to give the notice. See also Question and Answer 5 of my June 4, 1998 letter to you and Question and Answer 2 of I-7-98, which deal with this same subject under the 1994 State Building Code.

Question 3: "Who can 'give(n)' an SBC 117.1 Stop Work Order?"

Answer 3: The code does not specify by whom the notice may or may not be given. The intent of the code is that the notice be delivered. The building official may delegate the delivery to whomever he feels will satisfy the intent of the code. See also I-12-98 and I-15-99 issued to you that refer to this same subject under the 1994 State Building Code.

Question 4: "Has a building official 'given' an SBC 117.1 Stop Work Order by using any delivery method that cannot prove receipt?"

Answer 4: Yes. Section 117.1 only requires that the order be given, not proof of delivery.

Question 5: "Is an SBC 117.1 Stop Work Order criminal process?"

Answer 5: There are penalties for violation of the provisions of the State Building Code that include fines of not less than two hundred nor more than one thousand dollars or imprisonment of not more than six months, or both. Such penalties are authorized by section 29-254a of the Connecticut General Statutes.

Question 6: "If a property owner provides advance written notice forbidding building official or building official agent entry to land or buildings (pursuant to U.S. v. Reilly, U.S. v. Katz, etc.) who can 'give(n)' an SBC 117.1 Stop Work Order?"

Answer 6: If the premises in question is a single-family residence, the building official has no right of entry and must heed any order against trespass. The code does, however, provide for methods of delivery, discussed in the answers above, that do not require entry onto the premises themselves. For instance, delivery by certified or first class mail.