

STATE BUILDING CODE INTERPRETATION NO. I-22-01

June 26, 2001

The following is offered in response to your letter to me dated June 12, 2001 in which you seek an official interpretation of the provisions of the 1994 State Building Code as it pertains to prosecution for working without a building permit.

Question: “Does a building official who does not issue a CSBC 117.2 notice of violation, a CSBC 118.1 stop work order, or a CSBC 120.3 notice of unsafe condition before pursuing a criminal prosecution for working without a building permit violate the 1994 CSBC?”

Answer: Yes. Although the three situations differ somewhat, the procedure set forth in the 1994 State Building Code calls for the issuance of either a notice of violation, a stop work order or a notice of unsafe condition as the first step in seeking prosecution of any violation of the code or unsafe condition. The intent of the code is that the person responsible for the violation or unsafe condition be given an opportunity to voluntarily comply with the notice given. When a notice of violation or notice of unsafe condition is not complied with, the building official is directed to request the legal counsel for the jurisdiction to institute the appropriate proceeding at law to effect compliance (see the wording of the code for specific language). The procedure set forth in the code for non-compliance with a stop work order differs in that the reference to the legal counsel for the jurisdiction is deleted, and section 118.2 simply states that “Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to penalties in accordance with Section 117.4.” Section 117.4 refers to a fine of not less than two hundred nor more than one thousand dollars, or imprisonment for not more than six months, or both.

Note: My response to your question is based on the provisions of the 1994 State Building Code. You should be aware of section 29-254a of the Connecticut General Statutes, which provides for penalties for violations of any provision of the State Building Code, without requiring the notices outlined in the code, and section 29-394 of the Connecticut General Statutes, which provides for penalties for failure to comply with certain written orders regarding building code violations, without requiring the notices outlined in the code.