

## STATE BUILDING CODE INTERPRETATION NO. I-4-04

March 31, 2004

The following is offered in response to your letter to me dated March 2, 2004, in which you seek a formal interpretation of the provisions of the 1999 State Building Code as it may apply to pedestrian and vehicular bridges.

**Question 1a:** Does a vehicular bridge located on a single-family residential property require a building permit if it is in the path of exit discharge?

**Answer 1a:** The 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code, which governs the construction of Use Group R-4 single-family residences up to two stories plus habitable attic in height and up to 4800 square feet in area per floor, does not recognize the concept of exit discharge. The CABO code instead has a prescriptive requirement for a single exit from each dwelling that must meet the requirements of Chapter 3 for such issues as door width, landings, stairs or ramps, etc. The presumption therefore is that the exit door leads the occupant to grade or to a code-compliant stair or ramp that leads to grade. This is where the egress requirements for the CABO code end. Since it is highly unlikely that a vehicular bridge would be in such close proximity to the residence to require the occupants to traverse the bridge in order to reach grade, it is also highly unlikely that a vehicular bridge constructed on the premises of a Use Group R-4 residence would be regulated by the code. Thus, no permit would be required as long as the building occupants did not have to traverse the vehicular bridge to reach grade from the exit.

On the other hand, a single-family residence that exceeds the height and area limitations of Use Group R-4, or any single-family residence for which the permit applicant chooses to utilize the Use Group R-3 designation is regulated by the BOCA National Building Code/1996 portion of the 1999 State Building Code. The BOCA code, at Section 1006.3, requires that all exits shall discharge directly at a public way, or at a yard, court or open space of the required width and size to provide all occupants with a safe access to a public way. If the vehicular bridge was located between the exit of the Use Group R-3 dwelling and the public way, or the aforementioned required yard, court or open space, such that the occupants of the dwelling could only reach safety by traversing the vehicular bridge, the bridge would be part of exit discharge, regulated by the code, and would thus require a permit.

**Question 1b:** If the answer to question 1a is no, is a building permit required if the bridge is used to support utilities to the residence?

**Answer 1b:** Permits for the installation of those utilities regulated by the code would be required, but no permit for the bridge would be required since neither referenced code regulates bridges used for vehicular traffic.

**Question 1c:** If the answer to question 1a is no, is a building permit required if the local fire marshal has concerns about the safety of fire fighters and apparatus crossing the bridge?

**Answer 1c:** No. Other than to regulate smoke detectors, local fire marshals do not have jurisdiction in one- and two-family residences. In addition, neither referenced code addresses fire department access for single-family residences. This may, however, be an issue addressed by local zoning regulations.

**Question 2:** Does a pedestrian bridge located on a single-family residential property require a building permit?

**Answer 2:** The concepts used to arrive at the answers for question 1 also apply to pedestrian bridges. In a Use Group R-4 dwelling, if I must traverse the bridge to reach grade from the exit, the code regulates the bridge and a permit is required. Likewise, if the bridge is a portion of the exit discharge in a Use Group R-3 dwelling, it is regulated by the code and a permit is required.

**Question 3:** Does a vehicular bridge used by employees and the public, such as a bridge accessing a parking area for a shopping complex, require a building permit?

**Answer 3:** The answer again depends on the location of the bridge. If one simply drives over the bridge to reach the parking area from the road, the code would not regulate that bridge and a permit would not be required. If, however, in addition to serving as a vehicular bridge, the bridge serves as a portion of exit discharge, or as part of the accessible route from required accessible parking or public transportation stops to the building entrance (see Section 1104.1 of the BOCA code), the pedestrian portion of the bridge is regulated by the code and a permit is required.

**Question 4:** Does a pedestrian bridge used by employees and the public require a building permit?

**Answer 4:** See the response to question 3 for this answer. The permit requirement is driven by the location and use of the bridge, not by the nature of the users.

**Question 5a:** Does a dock erected on a lake or tidal waters require a building permit?

**Answer 5a:** If the dock is a floating structure that does not rely on the submerged land beneath the water for support (other than incidental anchorage to keep it from floating away), it is not regulated by the code and no permit is required. If, however, the dock is supported by piers or other vertical structural members that transfer the live and dead loads that the dock is subjected to, to the land submerged below the water, it is a structure regulated by the code and a permit is required.

**Question 5b:** If the answer to question 5a is no, if water piping, electrical wiring and devices or other code-regulated utilities are installed on the dock, are permits required for the installation of such utilities?

**Answer 5b:** Regardless of whether a permit was required for the construction of the dock, permits would be required for the installation of code-regulated utilities.

**Question 5c:** If the answer to question 5a is no, if a structure such as a boathouse, snack bar, lounge or shed is erected on a dock, is a permit required?

**Answer 5c:** In the case of the dock that relies on the land below for support, a permit would be required for the structure erected on the dock as well as for the dock, and the structure would be subject to the same requirements of the code as if it were located directly on the land. In the case of the floating dock, if the structure is permanent in nature and is one that would be regulated by the code if it was located on land, the applicable portions of the code would apply and a permit would be required for the structure itself. It would not, however, be appropriate to apply the foundation requirements of the code to the structure since the underlying dock floats, and thus has no foundation. In addition, if the floating structure is registered as a boat or vessel, the building code does not apply and no permit is required.

**Question 5d:** If the answer to question 5a is no, if the dock is to be used by employees or the public is a building permit required?

**Answer 5d:** While the code in several instances makes a differentiation in requirements based on the users of a building or structure (in applying accessibility requirements for instance), the requirement for a building permit is based on the nature and use of the building or structure, not upon the characteristics of the occupants. Thus, the answers to questions 5a through 5c are not dependant on who the occupants are.