

STATE BUILDING CODE INTERPRETATION NO. I-13-01

April 9, 2001

The following is offered in response to your letter to me dated March 13, 2001 in which you seek official interpretations of the provisions of the 1994 State Building Code. In your letter you reference I-09-01, which states, in answer to your direct question, that the 1994 State Building Code applies to matters not affecting the health or general safety of the public. Please understand that the intent of I-09-01 was to show that the State Building Code has application *in addition to* matters affecting the health or general safety of the public, *not* that the code only applied to matters not affecting the health or general safety of the public. Also please understand that the 1994 State Building Code included multiple codes and referenced standards in addition to the BOCA National Building Code/1990 upon which your latest questions are based.

Question 1: Is the phrase “to insure public safety, health and welfare” an extraneous phrase in section 100.4?

Answer 1: No.

Question 2: If not, how does the phrase “to insure public safety, health and welfare” affect or modify the succeeding portion of section 100.4?

Answer 2: Section 100.4 sets forth that the expressed intent of the code is “to insure public safety, health and welfare” insofar as they are affected by building construction, and then goes on to list several of the general provisions covered by the code. The quoted phrase, or variants of it, is repeated often throughout the code and is meant to govern the application of the code as well as any enforcement-oriented interpretive action or judgment.

Question 3: Is the phrase “to the public safety or welfare” an extraneous phrase in section 103.2?

Answer 3: No.

Question 4: If not, how does the phrase “to the public safety or welfare” affect or modify the preceding portion of section 103.2?

Answer 4: Inherent in the process of review of a request for a permit for a change in use is the determination that such change in use will not increase the hazard to the public safety or welfare.

Question 5: Is the phrase “affecting public health or general safety” an extraneous phrase in section 104.1?

Answer 5: No.

Question 6: If not, how does the phrase “affecting public health or general safety” affect or modify the preceding portion of section 104.1?

Answer 6: The focus of section 104.1 is to distinguish between repairs that require a building permit and those that are deemed to be ordinary repairs, not requiring a permit. After listing several repairs that are not considered ordinary repairs, the code goes on to make the general statement that ordinary repairs do not include work affecting public health or general safety. The intent is that any repair that affects public health or general safety requires a building permit prior to commencing with the work.

Question 7: Is the phrase “public welfare and safety be assured” an extraneous phrase in section 107.2?

Answer 7: No.

Question 8: If not, how does the phrase “public welfare and safety be assured” affect or modify the preceding portion of section 107.2?

Answer 8: The referenced phrase limits modifications to the State Building Code by the State Building Inspector to those modifications that can be permitted while assuring that public welfare and safety be maintained.

Question 9: Is the phrase “for the health, safety and general welfare of the public” an extraneous phrase in section 110.3?

Answer 9: No.

Question 10: If not, how does the phrase “for the health, safety and general welfare of the public” affect or modify the preceding portion of section 110.3?

Answer 10: The quoted phrase is used as a broad reference to encompass all code requirements for which the code official is required to issue notices or orders regarding illegal or unsafe conditions.