

STATE BUILDING CODE INTERPRETATION NO. I-4-99

February 1, 1999

This communication is offered in response to your letter in which you request official interpretations of the 1994 State Building Code (hereinafter referred to by me as the code) in response to the questions which follow:

Section I: The first five questions re-state questions for which you have received responses in past interpretations.

Question II a: “Does the Connecticut Building Code require uniform implementation of the Connecticut Building Code?”

Answer II a: Yes. Section 101.1.1 of the code states “this code shall be the building code for all towns, cities and boroughs and for all state agencies.”

Question II b: “Does section 29-261(b) C.G.S. require uniform implementation of the Connecticut Building Code?”

Answer II b: I am not authorized to interpret Connecticut General Statutes.

Question II c: “Is it possible for building officials to have different opinions about whether the useful service life of a shingle has expired?”

Answer II c: Yes.

Question II d: “If differing opinions about the expiration of the useful service life of a shingle lead some building officials to require a building permit to replace the shingle but lead other building officials to consider replacement of the shingle an ordinary repair not requiring a permit, have the building officials applied the Connecticut Building Code uniformly?”

Answer II d: They have applied the code uniformly, based on their opinion as to what the code requires.

Question II e: “In the absence of an “official interpretation” specifically elaborating upon the meaning of a particular provision of the Connecticut Building Code, does a building official have the authority to impute a meaning to the provision?”

Answer II e: Various sections of the code provide for the building official’s authority to “impute a meaning to the provision” of the code. Several examples of this follow: Section 101.3 states “Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the code official.”; Section 107.3 gives the code official the authority to approve the use of reconditioned and tested used materials and equipment; Section 107.4 allows the code official to approve alternative materials or methods of construction from that set forth in the code, as long as the alternative is, “for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fireresistance, durability and safety.”; Section 121.0, regarding Emergency Measures, relies heavily on “the opinion of the code official” to make determinations regarding emergency measures to be taken.