STATE BUILDING CODE INTERPRETATION NO. I-24-01

October 29, 2001

The following is offered in response to your letter to me dated September 6, 2001, in which you seek official interpretations of the provisions of Article One of the BOCA National Building Code/1990 portion of the 1994 State Building Code.

Question 1: Is failure to comply with a stop work order a violation of the 1994 State Building Code?

Answer 1: Yes.

Question 2: Does a building official commit a violation of the 1994 State Building Code by pursuing a criminal prosecution for not getting a building permit against a Stop Work Order recipient who complies with the Stop Work Order and obtains a building permit?

Answer 2: It depends on the circumstances and actions of the recipient of the Stop Work Order between the time the order was issued and the permit was obtained. If the only condition of the Stop Work Order was that a permit be obtained prior to commencement of the work, and if the recipient of the order did absolutely no work on the project until the required permit was obtained, then it would be improper for the building official to seek prosecution. If, however, work was performed on the project between the time that the Stop Work Order was issued and the permit was obtained, the violation was not complied with promptly, the building official is required by the provisions of section 117.3 to seek prosecution.

Question 3: Does section 117.0 of the BOCA National Building Code/1990 portion of the 1994 State Building Code identify any violation excluded from the provisions of section 117.0?

Answer 3: The intent of section 117.0 is to be inclusive of all possible violations of the 1994 State Building Code, not exclusive of them. This is made clear in the last line of section 117.1, which states in part "or in violation of *any* of the provisions of this code." (emphasis added) By including the phrase "any of the provisions of this code", the code intends to include all possible violations of the code, including violations of the provisions of referenced standards, which are considered part of the requirements of the code, as set forth in section 101.6.