

## **STATE BUILDING CODE INTERPRETATION NO. I-27-01**

October 29, 2001

The following is offered in response to your letter requesting a formal interpretation of the BOCA National Building Code/1996 portion of the 1999 State Building Code as it applies to radio towers and associated antennae.

The antennae you describe vary in length from 6 inches to 21 feet, with diameters from 1 to 3 inches and weights that vary from a few ounces to 30 pounds.

Question 1: Do the radio antennas described above need a building permit to be installed?

Answer 1: Yes.

Question 2: Do antenna cables need a building permit to be installed?

Answer 2: Yes.

Question 3: Is it required to have an F.C.C. license to apply for an antenna building permit?

Answer 3: No.

Question 4: Do Federal or State agencies need a municipal building permit to have their antennas or cables installed on a privately owned tower?

Answer 4: Yes. Federal and State Agencies are exempt from local permitting requirements only for construction on property they own. State agencies are required to obtain building permits from the State Building Inspector for buildings and structures that exceed the statutory threshold limits.

Question 5: Is it necessary to disclose the potential users of an antenna when applying for a building permit, if the structure owner is the entity applying for the permit?

Answer 5: No.

Question 6: Are the potential frequencies of the users required to be disclosed for a building permit?

Answer 6: No.

Question 7: If a building permit was issued for an antenna, is a new permit required for an exact replacement, should it need to be changed?

Answer 7: Yes.

Question 8: If a building permit was issued for an antenna, is a new permit required for an equivalent replacement should it need to be changed? (Equivalent meaning its square foot wind load being less than or equal to what the original antenna was)

Answer 8: Yes.

Question 9: If customers using an antenna change, do new building permits need to be issued for future users of the existing antenna?

Answer 9: No. The permit is for the installation or replacement of the antenna itself, and is independent of the user of the antenna.

Question 10: Is notification of individual user termination required on a shared antenna?

Answer 10: No.

Question 11a: If an antenna is not being used any longer must it be removed?

Answer 11a: No.

Question 11b: Is a demolition permit required?

Answer 11b: Yes, if the decision to remove the antenna is made. Section 29-406 of the Connecticut General Statutes states in part: “No person shall demolish any building, *structure or part thereof* without obtaining a permit for the particular demolition undertaking from the building official of the town, city or borough wherein such building or part thereof is located.” (emphasis added)

Question 12: If a new user begins using a previously dormant antenna, is a new building permit required?

Answer 12: No, assuming no replacement or repair of the antenna takes place.

Question 13: If a new user joins other users on a shared active antenna, must they apply for a new building permit?

Answer 13: See response # 12.

Question 14: It is a conservative practice to only load a tower for what is needed, not its maximum loading. Can these antennas be added later to the tower under the original building permit, without application for a new building permit?

Answer 14: If the original permit for the tower included certain specified antennae, they may be added under the original permit as long as it remains valid (ie: work on the project has not been suspended for 6 months or more). If the permit has expired or the antennae differ from those included in the original application, a new permit is required.

Question 15: Is a new structural analysis of the entire tower needed each time any new antenna are added to the tower?

Answer 15: Yes, if such antennae are in addition to those covered by the original permit application, and the original structural analysis. In addition, Connecticut General Statute 29-276b requires an independent structural engineering consultant to review the plans to determine adequacy of the tower to accommodate the additional loads from the new antennae whenever the tower height exceeds 60 feet.

Question 16: Is a new structural analysis of the entire tower required for an exact replacement antenna?

Answer 16: No, not for an exact replacement. Copies of the original structural analysis must be made available at the time of permit application.

Question 17: Is a new structural analysis of the entire tower required for an equivalent replacement antenna? (Equivalent meaning its square foot wind load being less than or equal to what the original antenna was)

Answer 17: Yes.

Question 18: If two antennas near the same location are removed, can a single antenna of equivalent wind loading, be substituted without a new building permit?

Answer 18: No.

Question 19: Does a tower require a new structural analysis if the EIA/TIA standard changes?

Answer 19: No. The standard in effect at the time of permit application remains valid for the life of the tower.

Question 20: If the EIA/TIA standard for a tower changes, and the owner wishes to improve the safety of the tower by strengthening it, can the owner be prevented in doing so by local zoning?

Answer 20: I am not authorized to answer questions about zoning, which is a local matter.

Question 21: Do issues of strengthening for safety, in general, take precedence over local zoning?

Answer 21: I am not authorized to answer questions about zoning, which is a local matter.

Question 22: Before a building permit may be issued, local zoning approval must be received. If the tower is removed from the jurisdiction of local zoning, and remanded to the care of the Connecticut State Siting Council, must the local official recognize their authority?

Answer 22: Section 8-3 of the Connecticut General Statutes states in part “No building permit shall be issued for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with enforcement of such regulations that such building, use or structure is in conformity with such regulations....” If the tower is removed from the jurisdiction of local zoning, the building official is under no obligation to obtain such certification from the local zoning authority.

Question 23: If the local building official will not recognize the authority of the Connecticut State Siting Council, can the State Building Official issue a permit or exemption from permit?

Answer 23: No. The State Building Inspector has no authority to issue permits for privately owned buildings or structures constructed in local municipalities.

Question 24: Does the State Building Official have authority to remove a Local Building Official?

Answer 24: Yes, for failure to obtain the required training per subsection (b) of section 29-262, Connecticut General Statutes.