

STATE BUILDING CODE INTERPRETATION NO. I-40-00

June 30, 2000

The following is offered in response to your letter in which you request official interpretations of section 3107.0 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

Question 1: Due to the fact that the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code does not address flood resistive construction, is it appropriate to apply Section 3107.0 of the BOCA National Building Code/1996 to a dwelling that is otherwise required to comply with CABO?

Answer 1: First, let me state that no dwelling is *required* to be constructed under the CABO Code. The option exists, for the permit applicant, to choose the CABO Code in lieu of the BOCA Code, for one- and two- family dwellings that do not exceed the height and area limitations set forth in Section 103.1 of the CABO Code and Section 310.6 of the BOCA Code. That having been said, there are additional instances when utilization of the CABO Code is inappropriate. Construction in a flood zone is one of those times. Since, as you state, the CABO Code does not address flood resistive construction, the permit for a one-or-two-family dwelling to be constructed in a flood zone should be issued under the BOCA code, following that code in its entirety, including the use of Section 3107.0.

Question 2: A dwelling in a flood zone, constructed under the BOCA Code, has a finished basement for which no permits were taken. The elevation of the finished floor in the basement is several feet below the established base flood elevation. The current owner wishes to apply for a permit to renovate the finished basement. Is it proper to issue a building permit to renovate the finished basement, when in accordance with Section 3107.4.3 of the BOCA Code, a finished room below the base flood elevation is not permitted?

Answer 2: No. The ability to continue occupancy of an existing building or structure depends on that occupancy having been legally established. If it can be determined that the basement referenced in your question was finished without benefit of building permits or inspections, it is in violation of the State Building Code in effect at the time the work was undertaken. Legal occupancy of that portion of the building can only be established by issuance of a building permit, completion of the required inspections and issuance of a Certificate of Occupancy. If the work in question is not code compliant by virtue of the finished floor elevation, it may be appropriate for the building owner to request a modification from the requirements of the code, citing the appropriate alternative safeguards to be offered.

Question 3: An existing main electrical panel is located in a basement and is located below the base flood elevation. An addition to the dwelling is planned which will be above the base flood elevation. The new electrical circuits will be fed from the existing panel. Is this a violation of Section 3107.6 if the (new) conductors are not protected to prevent water from entering and accumulating within the system?

Answer 3: Yes, all new work must comply with the code in effect at the time of application for the permit. It must first be determined if the existing electrical panel was legally installed (see answer 2). If not, the panel is in violation and must be made code-compliant. If the panel legally exists, then only the new work must be made code-compliant and the existing may remain as is.