

## STATE BUILDING CODE INTERPRETATION NO. I-5-99

May 13, 1999

The following is offered in response to your letter to me dated January 7, 1999 in which you seek official interpretations to the following questions. The answers are based on the 1994 State Building Code which was in effect in the State of Connecticut until April 30, 1999.

**Question Ia:** "Why does a building official have a right of entry to a garage attached to a single family residence but not to a porch attached to a single family residence?"

**Answer Ia:** The garage is not considered habitable space because it is not utilized for living, sleeping, eating or cooking. A porch may be utilized for any of those purposes and is, therefore, habitable space and part of the single-family residence. In addition, the definition of habitable space found in section 201.0 of the 1994 State Building Code excludes storage or utility spaces, for which a garage would be used.

**Question Ib:** "Why does a building official not have a right of entry to porches, basements, bathrooms, root cellars, fallout shelters, and similar spaces attached to a single family residence but has a right of entry to porches, basements, bathrooms, root cellars, fallout shelters, and similar spaces not attached to a single family residence but situated within the curtilage of a single family residence?"

**Answer Ib:** Spaces which are not attached to the single-family dwelling are not considered part of the single-family dwelling. The concept of curtilage which you mention is a legal term which is associated with zoning law but not with the State Building Code.

**Question IIa:** "Who is an "authentic source" for section 29-393 C.G.S.?"

**Answer IIa:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question IIb:** "What does "other cause" mean in section 29-393 C.G.S.?"

**Answer IIb:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question IIc:** "Does "other cause" include a failure to obtain a building, electrical, plumbing, or similar permit for a single family residence?"

**Answer IIc:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question IId:** "What does "hazard" mean in section 29-393 C.G.S.?"

**Answer IId:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question IIe:** “Does “hazard” include a failure to obtain a building, electrical, plumbing, or similar permit for a single family residence?”

**Answer IIe:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question II f:** “What does “emergency” mean in section 115.4 of the Connecticut Building Code?”

**Answer II f:** The term “emergency” is not defined in the 1994 State Building Code. In accordance with Section 200.4 of the code “Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.”

**Question II g:** “Does “emergency” include a failure to obtain a building, electrical, plumbing, or similar permit for a single family residence?”

**Answer II g:** Not normally, unless the work done without the permit were performed in such a manner as to cause the emergency.

**Question II h:** “Does a right of entry to a single family residence under 29-261(d) C.G.S. require an emergency?”

**Answer II h:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question II i:** “Does a right of entry to a single family residence under 29-393 C.G.S. require an emergency?”

**Answer II i:** I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.

**Question II j:** “What right of entry to a single family residence does a local fire marshal have?”

**Answer II j:** Right of entry for a local fire marshal is not addressed by the State Building Code so I cannot, therefore, answer your question.

**Question II l:** “Please identify events that have caused provisions of the Connecticut Building Code relating to right of entry to become illegal or void.”

**Answer II l:** If such events have taken place, I am not aware of them.

**Question IV:** “Can an interpretation of the applicability of a provision of the code recognize rights and privileges not enumerated in the code?”

**Answer IV:** The language preceding your question makes it clear that the question is based on statute. I am not authorized to interpret Connecticut General Statutes and cannot, therefore, answer your question.