

STATE BUILDING CODE INTERPRETATION NO. I-28-01

December 7, 2001

The following is offered in response to your letter in which you request an official interpretation of section 118.0 of the BOCA National Building Code/1990 portion of the 1994 State Building Code.

Question: “Is it a building official or legal counsel for a jurisdiction on whom the CSBC confers authority to institute a legal proceeding to compel compliance with a Stop Work Order?”

Answer: A Stop Work Order represents a tool to be used at the building official’s discretion in conjunction with a notice of violation (described in section 117.0 of the referenced code). The main distinction between the two would occur when the building official feels that it is important to halt the construction activity causing the violation in order to have time to ascertain if code compliance can be achieved without removal of the work completed prior to the discovery of the violation and issuance of the Stop Work Order. If, for instance, during a routine inspection, a building official finds a violation of some provision of the code in work being performed under a properly issued permit, it would be appropriate to issue a notice of violation to have the work corrected and reinspected prior to concealing the work. If, however, work is being performed without a permit and there is therefore the expectation that such work will not be available for inspection, it would be prudent for the building official to issue a Stop Work Order. Since the Stop Work Order was based on a violation of some provision of the code (such as performing work without a permit), the building official would then be obligated to follow the provisions of sections 117.3, 117.4 and 117.5 of the referenced code to attempt to achieve code compliance. Section 117.3 requires the code official to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law to achieve code compliance.