

STATE BUILDING CODE INTERPRETATION NO. I-24-08

November 18, 2008

The following is offered in response to your letter received by this office on October 6, 2008 in which you seek a formal interpretation of the provisions of Section R105.3.1 and Section R105.3.2 of the 2003 International Residential Building Code portion of the 2005 State Building Code.

Scenario A:

A building department receives a permit application and construction documents and a review by the building inspector is completed 30 days later. If the request for permit is rejected, the permit applicant is instructed to resubmit new or corrected data or drawings showing compliance with the items or code sections per the review letter along with a written response to each item on the review letter.

Question A1:

Is it an acceptable procedure for the building department to request the permit applicant to resubmit corrected drawing(s) or data document(s) and also provide a separate written response to each of the item(s)?

Answer A1:

Yes, Section R105.3.1 notes that when the construction documents are rejected, the building official is required to provide to the applicant specific reasons for the rejection so the applicant will know what corrected or new information which needs to be provided for permit approval as soon as practicable. The permit applicant is diligently pursuing their application by providing the requested information.

Question A2:

Is the permit applicant permitted to make the corrections required specifically on the original permit application submission packet including the permit application and the construction drawings?

Answer A2:

The code is silent on the operating policies and procedures regarding this specific question on how to process the applicant's permit. These procedures are governed by each of the individual local municipalities and these policies are available to the applicant at the building officials department.

Scenario B:

The permit applicant, after the first permit review and rejection, submits the requested information. The second review is done and a new item is found. The applicant receives a letter 30 days later saying why the application is being rejected a second time.

Question B1:

After a second permit review and rejection, is the permit applicant required to resubmit a new permit application and obtain again all of the required signoff approvals along with new complete construction drawings?

Answer B1:

No, Section R105.3.2 notes that applications for permits are considered valid if the applicant is diligently pursuing the application. The permit applicant is, in the second review, being requested additional information so the permit can be approved as soon as practicable. The applications for permits are considered valid for 180 days. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each.