



May 29, 2019

Mr. Christopher R. Laux, A.I.A.
Building Official / Code Consultant
P.O. Box 636
Woodbury, CT 06798-0636

Dear Mr. Laux:

**RE: I-06-19 Formal Interpretation of the provisions of the 2003 IRC portion of 2005 SBC
With 2009 and 2011 Amendments**

This is in response to your letter of May 17, 2019 in which you are seeking a formal interpretation of the following questions:

SCENARIO: A building permit for an above ground pool is issued under the referenced code. The permit applicant signs an affidavit stating that they will install the statutorily required pool alarm. A handout specifically detailing the requirements for pool barriers around above ground pool ladders is available at the building department. The pool is constructed; apparently without the required pool alarm and ladder barrier.

QUESTION 1: With whom does the responsibility for scheduling an inspection of construction of the pool rest?

ANSWER 1: Section R109.1 of the 2003 International Residential Code portion of the 2005 State Building Code states "For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

QUESTION 2: Does the local building official have any duty to inspect work for which a building permit was issued if he/she is not notified that the work has progressed to the point where an inspection is required?

ANSWER 2: No.



QUESTION 3: Does use of the pool prior to issuance of a Certificate of Acceptance constitute a code violation on the part of the permit holder?

ANSWER 3: Yes. Section R110.1 of the 2003 International Residential Code portion of the 2005 State Building Code states in part that "Pursuant to subsection (a) of section 29-265 of the Connecticut General Statutes, no building or structure erected or altered in any municipality after October 1, 1970, shall be occupied or used, in whole or in part, until a certificate has been issued by the building official, certifying that such building, structure or work performed pursuant to the building permit substantially conforms to the provisions of the State Building Code.

Sincerely,

Joseph V. Cassidy, P.E.
State Building Inspector

c: Daniel Tierney, Deputy State Building Inspector