



September 7, 2017

Mr. Michael Ciriello, MLA, AICP
Director, Development Services
820 Enfield Street
Enfield, CT 06082

RE: I-11-17 [Formal Request for Interpretation of Sections R108.6; R105.2; R103.1 & R103.3 of the 2012 International Residential Code Portion of the 2016 State Building Code]

Dear Mr. Ciriello:

This is in response to your request for a formal interpretation in regards to the following questions:

Question #1:

R108.6 has been removed disallowing fees for work completed without a permit. Does the Chief Building Official have the authority to create a local penalty fee by incorporating it by ordinance into our fee schedule for residential, commercial, and industrial uses (with no exceptions)?

Answer:

No. Penalties for violation of the State Building Code are prescribed in Connecticut General Statute (CGS) 29-254a, and are criminal in nature. The Connecticut Superior Court has found that a municipality cannot recover civil penalties, such as fees, for violations to which the legislature has ascribed criminal penalties such as those in CGS 29-254a.

Question #2:

R105.2: Permit required for accessory structures under 200SF. Requirement removed. Can you confirm that we shall not require permits for these structures? Or, may the local chief building official determine unilaterally to require these in spite of the Code removing the section?

Answer:

Item #1 of Section R105.2 of the above mentioned code; Work Exempt from Permit states, "One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m2)." Therefore, yes – you cannot require permits for such structures, and no, the Building Official cannot make requirements which conflict with or are beyond the requirements of the Building Code.



Office of the State Building Inspector

Question #3:

R103.1 Creation of enforcement agency. Each town, city and borough shall create an agency whose function is to enforce the provisions of this code. The official in charge thereof shall be known as the building official.

R103.3 Employees. In accordance with the prescribed procedures and regulations of the town, city or borough, and with concurrence to the appointing authority, the building official shall have the authority to appoint an assistant building official, related technical officers, inspectors, plan examiners and other employees. Such employees shall have the powers as regulated by the town, city or borough, and by the State of Connecticut.

Can you confirm that the use of the term "building official" is restricted to the "chief building official" and that assistant building officials may not legally represent themselves as a "building official"?

Answer:

Building Official is a position established under CGS 29-260. Each municipality may have only one *Building Official*. This differs from the licensing categories established in regulations authorized under CGS 29-262, which include building official, assistant building official, residential building inspector, etc. A person licensed in the classification of building official, may identify himself as a licensed building official, but may not hold himself out to be the Building Official if not appointed.

Sincerely,

Joseph V. Cassidy, P.E.
State Building Inspector
DAS Construction Services
Office of the State Building Inspector

JVC:bags