



DEPARTMENT OF ADMINISTRATIVE SERVICES

I-01-20

January 3, 2020

Christopher Laux, AIA
PO Box 636
Woodbury, CT 06798

Re: Interpretation of 2005 CT State Building Code IRC section AG105.7

Mr. Laux,

In your letter of January 3, 2020, you requested a formal interpretation regarding section AG105.7 of the 2003 IRC portion of the 2005 CT State Building Code as amended in 2009 and 2011, in conjunction with the following scenario:

A building permit for an above ground pool at a single-family residence 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 an 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:

The language of the code states, in part: “No building permit shall be issued for the construction or substantial alteration of a swimming pool at a residence occupied by, or being built for, one or more families unless a pool alarm is installed with the swimming pool.” Given that the pool alarm cannot be installed until the pool itself is constructed and that the code forbids construction of the pool until the permit is issued, does the obtaining of a written, notarized affidavit by the building department that the permit holder will install such alarm as a condition of receiving the building permit satisfy the intent and meaning of the code?

Answer 1:

Yes. The fact that the pool cannot be constructed until after the permit is issued makes it impossible for the building department to verify installation of the alarm until after the permit is issued and the pool constructed. An affidavit that the permit holder swears that he will install the pool alarm satisfies the intent and meaning of the code section.



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Question 2:

With whom does the ultimate responsibility for installing and maintaining the required pool alarm and barrier lie?

Answer 2:

The responsibility to install and maintain the operation of the pool alarm and pool barrier lies with the permit holder.

Question 3:

Does the local building official bear any responsibility for verifying the installation of the pool alarm or other components of the pool barrier if the building department is not notified that the pool has been constructed and is ready for inspection?

Answer 3:

No. Section R109.1 of the referenced code requires the building official, upon notification, to inspect construction. If the building official has not been notified by the permit holder or his/her agent that an inspection is requested the official has no way to verify that the alarm and barrier requirements have been met and bears no responsibility for compliance. As an aside, this is particularly true in the case of a single-family residence where the building official, according to Connecticut General Statute Sec. 29-161(d) has no right of entry unless invited upon the premises.

Sincerely,

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