

STATE BUILDING CODE INTERPRETATION NO. I-23-12

November 21, 2012

RE: I-23-12

The following is in response to your request for formal interpretation dated November 19, 2012.

Question:

Does a municipality or the building official have the authority to adopt any type of penalty or fee for failing to obtain building permits prior to commencing work on a single family dwelling?

Answer:

There is no authority for the town to establish a fee or penalty for work commencing before a building permit is issued for work that falls under the 2003 International Residential Code portion of the 2005 State Building Code. The only similar authority is found in Section 108.4, of the 2003 International Building Code portion of the 2005 State Building Code, which is applicable to buildings other than one and two family detached dwellings and their accessory structures or to town houses. The intent of Section 108.4, of the 2003 International Building Code, is to provide towns a means to recover costs associated with the administration, investigation and inspection incurred during the prosecution of the violation.

Doing work without a building permit is a violation of Section 29-263, of the Connecticut General Statutes, and Section R105.1, of the 2003 International Residential Code. Also, Section R113, of the State Building Code, provides specific direction to the building official on how to prosecute any person, firm or corporation when he observes or finds a violation of the State Building Code. Section 29-254(a), of the Connecticut General Statutes, provides the penalty for such violation which is imposed by a judge after successful prosecution of a violation.