

STATE BUILDING CODE INTERPRETATION NO. I-05-11

July 7, 2011

Scenario:

"A pool company applies for a permit to build a pool/spa in 2002. The pool construction is commenced in 2002 during which time the pool company requests and receives approvals for the "rough stage" inspections [steel reinforcing, underground electric and grounding/bonding] as required. Although not part of the inspection process at the time, the underground pool piping was also installed. The pool construction is completed in 2002. After completion neither the pool company nor the owner schedules the required final inspections. Nine years later the owner requests final inspection of the pool/spa to obtain a Certificate of Occupancy for the pool."

Question #1A:

"Since final inspections were never requested in a timely manner, after completion of the work, has the original permit become invalid under Section 108, 1999 CSBC [BOCA 1996]?"

Answer #1A:

Yes, under Section 108.2, of the BOCA National Building Code/1996 portion of the 1999 State Building Code, if it can be proven that the work was suspended or abandoned for a period of six months after the time of commencing the work and there were no extensions given to the permit applicant in accordance with Section 107.9, of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

Question #1B:

"If the permit is invalid, what is the time period after the completion of the work that it becomes invalid?"

Answer #1B:

See answer to Question #1A.

Assuming the original permit is invalid.

Question #2A:

"To complete the inspection process for the purpose of issuing the CO is it appropriate for the building inspector to require the owner to file a new permit or request that the original permit be reinstated to complete the inspection process?"

Answer #2A:

In this scenario, the owner or his agent must apply for a new permit since Connecticut has adopted a newer building code.

Question #2B:

"In either case [new or reinstated permit] we essentially would now have a new permit. Would it now be appropriate to apply the current code to the entire pool/spa construction or only to that portion of the construction that was completed after the last rough inspection in 2002?"

Answer #2B:

The new permit would be for additional work required to complete the pool, not for work that was already installed, inspected and approved by the town under the original legally issued building permit.

Question #2C:

"Assuming the current code only applies to the portions completed after the last inspection in 2002 and during the final inspection the building inspector notices that either the pool or spa has a single suction outlet that was installed during the rough stage and prior to the last recorded inspection in 2002."

"Is it appropriate for the inspector to require the owner to provide dual suction outlets as required by current code now that he is aware of the new code requirements?"

Answer #2C:

See Answer to Question #2B.

Assuming the original permit is still valid.

Question #3A:

"Is it appropriate to complete the inspection process under the code in effect at the time of the issuance of the permit in 2002 [BOCA 1996]?"

Answer #3A:

Not applicable. The original permit is not valid.

"Assuming the BOCA 1996 code applies - During the final inspection it is discovered that the pool/spa has no entrapment protection as required by current code and there are single suction outlets without approved covers and no SVRS devices."

Answer:

Not applicable. The BOCA National Building Code/1996 portion of the 1999 State Building Code does not apply for the work that is going to be completed under the new building permit applied for in 2011.

Question #3B:

“Since the code in effect in 2002 [BOCA 1996] did not require any entrapment protection, what action if any should the building inspector take?”

Answer #3B:

See Answer to Question#2B.