

STATE BUILDING CODE INTERPRETATION I-12-07

April 10, 2007

The following is offered in response to your April 4, 2007 request for a formal interpretation of the provisions of Section R110.1.1 of the 2003 International Residential Code and Section 110.1.2 of the 2003 International Building Code; both portions of the 2005 State Building Code.

Question: Given the provisions of subsections (b) (7) and (b) (8) of section 52-557n of the Connecticut General Statutes (CGS), can a local building official issue a certificate of occupancy when the local zoning enforcement officer refuses to issue written zoning approval based on the lack of submitted as-built plot plans?

Answer: No. I am not empowered to interpret statute so I will not address the provisions of 52-557n, which deals with liability, but the referenced code sections (which are based on the provisions of subsection (f) of section 8-3, CGS) specifically prohibit issuance of any certificate of occupancy without first receiving certification in writing by the official charged with the enforcement of zoning regulations that the building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations. Note that this prohibition is for all certificates of occupancy so it would apply to temporary or partial certificates of occupancy as well as final certificates of occupancy.