

STATE BUILDING CODE INTERPRETATION NO. I-23-09

July 6, 2010

The following is offered in response to your correspondence in which you seek a formal interpretation. The questions would apply to Section 105, of the 2003 International Building Code portion of the 2005 State Building Code.

Question #1:

“Section 105.3.1.2 Fire Marshal Approval – is it the intent of this code section that all commercial permits applied for should be first approved by the Fire Marshal including miscellaneous mechanical permits?”

Answer #1:

Section 105.3.1.2, of the 2003 International Building Code portion of the 2005 State Building Code, states in part that: *no building permit for a building, structure or use subject to the requirements of the 2005 Connecticut State Fire Safety Code shall be issued in whole or in part without certification in writing from the local fire marshal.* Therefore, fire marshal approval is required only when such work is subject to the requirements of the Connecticut Fire Safety Code.

Question #2:

“Section 105.3.1.1 – Zoning Approval – does this section require that all building permits shall include miscellaneous mechanical permits to be utilized in the construction in whole or part of any new or existing structure?”

Answer #2:

Section 105.3.1.1, of the 2003 International Building Code portion of the 2005 State Building Code, states in part that: *no building permit shall be issued, in whole or in part, for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations.* Therefore, zoning approval is only required for construction that is governed by zoning.

Question #3:

“Section 105.3.1 – Action on Application – is there any regulatory language in the Building or Fire Safety Codes that helps coordinate the time-related limitations stated in this section involving Building Official/Fire Marshal/Zoning written approvals?”

Answer #3:

Section 105.3.1, of the 2003 International Building Code portion of the 2005 State Building Code, states in part that: *the building official shall examine or cause to be examined applications for permits and amendments thereto within 30 days after filing and either issue or deny a permit within such 30 day period.* Section 29-292-5e, of the 2005 Connecticut Fire Safety Code, states in part that: *the local fire marshal shall provide to the local building official certification in writing prior to the issuance of a building permit that the construction documents for any building, structure or use subject to the requirements of this code are in substantial compliance with the requirements of this code.* Because of the 30 day time limit imposed by Section 29-263 of the Connecticut General Statutes, the fire marshal shall notify the building official of the degree of compliance within that time period. Both the building official and fire marshal have 30 days after the building permit filing to either approve or deny such application. The 2005 State Building Code does not have any time limitations regarding zoning approval.