

Chapter 114

Building Construction

[HISTORY: Adopted by the Special Town Meeting of the Town of Bethany 3-9-1966. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision regulations — See Ch. 180.

Zoning regulations — See Ch. 204.

§ 114-1 Adoption of standards.

Pursuant to Section 19-395 of the General Statutes of Connecticut, Revision of 1958, as amended, the State of Connecticut Basic Building Code, three copies of which have been on file at the office of the Town Clerk of Bethany for 30 days prior hereto, is hereby adopted as the Building Code of the Town of Bethany; and each and all regulations, provisions, penalties, conditions and terms of the Connecticut Basic Building Code are hereby referred to and adopted and made a part hereof as if previously set out in this chapter, with the additions, insertions, deletions and changes as hereinafter provided for.

§ 114-2 Scope and validity.

The invalidity of any section or provision of this chapter or of the Building Code of the Town of Bethany herein adopted shall not render invalid any other section or provision.

§ 114-3 Inapplicability to certain work.

This chapter shall not affect any construction work done prior to April 1, 1966.

§ 114-4 Work by property owners to comply with standards. [Amended 5-19-2003 ATM]

The adoption of this Building Code and its enforcement shall not prevent or preclude an owner of a piece of property from doing his own work, provided that the work and materials meet the provisions and standards set forth in the Building Code and further provided that the owner obtains a permit for said work as herein provided.

§ 114-5 Building ~~Commission~~ Appeals.

~~The Building Code Committee instrumental in preparing this chapter shall be dissolved and terminate immediately upon the adoption of this chapter. Before the effective date of this chapter, the Selectmen of the Town of Bethany shall appoint a~~ In lieu of a municipal Board of Appeals, any applicant aggrieved by a decision of the Building Official may appeal to the state Codes and Standards Committee pursuant to Connecticut General Statutes Section 29-266 (c) ~~Section 128.0 of the State of Connecticut Basic Building Code, which shall be known as the "Building~~

~~Commission." In addition to the duties set forth in said code, said Building Commission shall also approve the qualifications of the Building Official and his assistants and make recommendations to the Selectmen concerning their appointment.~~

§ 114-6 Building Official. [Amended 5-2-1966 ATM]

The municipal officer to administer this code shall be called the "Building Official" and ~~he~~ such official shall be appointed by the Board of Selectmen for an indefinite term. The Building Official shall have the power to appoint one or more assistants, upon approval of the Selectmen ~~and Building Commission~~. The Board of Selectmen shall also have the power to remove the Building Official, but ~~he~~ such official shall not be dismissed unless ~~he~~ the official has been given notice, in writing, of the specific grounds for such dismissal and an opportunity to be heard in ~~his~~ such official's own defense, personally or by counsel, at a public hearing before the Selectmen. ~~Such removal shall not take place without the approval of the Building Commission.~~ Such Building Official shall not also be a member of the Planning & Zoning Commission, Inland Wetlands Commission or the Zoning Board of Appeals ~~hold any other salaried or unsalaried, elective or appointive Town office. This shall not preclude or prevent the Building Official from also holding the position of Zoning Agent and Enforcement Officer of the Planning and Zoning Commission.~~

§ 114-7 Permit application; repairs; fees. [Amended 5-19-1997 ATM; 9-28-2000 STM; 5-19-2003 ATM]

The following is adopted in lieu of Section 197 of the State of Connecticut Basic Building Code.

A. Permit application. An application shall be submitted to the Code Official for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 108.0:

- (1) Construct or alter a structure.
- (2) Construct an addition.
- (3) Demolish or move a structure.
- (4) Make a change of occupancy.
- (5) Install or alter any equipment which is regulated by this code.
- (6) Move a lot line which affects an existing structure.

B. Repairs. Application or notice to the Code Official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or

relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

C. Fees.

(1) Building or other structures construction and demolition; electrical, plumbing, heating, and air-conditioning work; water treatment systems. [Amended 5-19-2014 ATM]

(a) Residential mechanical permits shall be \$50 for the first \$1,000 of the job cost and increase \$10 for every \$1,000 thereafter.

(b) Residential building permits shall be \$50 for the first \$1,000 of job cost and increase \$14 for every \$1,000 thereafter.

(c) Commercial building and mechanical permits shall be \$50 for the first \$1,000 of job cost and increase \$23 for every \$1,000 thereafter.

(d) Certificate of occupancy fees: \$40 for residential work.

(e) Certificate of occupancy fees: \$60 for commercial work.

(f) Certificate of approval fees for residential and commercial shall be established at \$25. Per Building Official, all work that does not require a certificate of occupancy shall require a certificate of approval.

(2) Such fees, when collected by the Building Official, shall be remitted to the Town Treasurer for deposit to the account of the Town of Bethany.

(3) No fee shall be charged when the applicant is the Town of Bethany acting by one of its officers, employees, boards, commissions, or contractors.

(4) The Board of Selectmen may waive all or part of the fees when applicant is a nonprofit or charitable organization operating within the Town of Bethany for the benefit of Bethany residents.

(5) Whenever an application is made to seek a permit for work done on a structure without prior official approval, where required, the fees set forth herein shall be increased by 50% so as to compensate the Town for increased administrative costs in processing such applications and additional inspections required to determine that such work complies with the Connecticut State Building Code.

(6) A reinspection fee of \$50 will be paid to the Town of Bethany by the property owner or contractor if an inspection is made and the work is not completed and not ready for such inspection or does not comply with the Connecticut State Building Code. No further inspections will be performed prior to receipt of the fee of \$50.

§ 114-8 Certificates of use and occupancy. [Amended 5-19-2003 ATM]

The issuance of certificates of use and occupancy pursuant to the provisions of Section 118 of the State of Connecticut Basic Building Code shall be limited to dwellings and commercial buildings.

A. General. A certificate of occupancy, indicating completion of the work for which a permit was issued, shall be obtained prior to any occupancy of a structure except as provided for in Section 118.2.

B. Temporary occupancy. Upon the request of the holder of a permit, a temporary certificate of occupancy shall be issued before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely prior to full completion of the structure without endangering life or public welfare. Any occupancy permitted to continue during the work shall be discontinued within 30 days after completion of the work unless a certificate of occupancy is issued by the Code Official.

C. Issuance of certificate: Upon written request from the owner of an existing structure, the Code Official shall issue a certificate of occupancy, provided that there are no violations of law or orders of the Code Official pending, and it is established after inspection and investigations that the alleged occupancy of the structure has heretofore existed. This code shall not require the removal, alteration, or abandonment of, or prevent the continuance of, the occupancy of a lawfully existing structure, unless such use is deemed to endanger public safety and welfare.

D. Partial occupancy. A partial certificate of occupancy may be issued by the code official for a portion of the building or structure when, in the Code Official's sole opinion, adequate egress facilities, accessibility features, and health and safety requirements are in compliance as required herein.

§ 114-9 Withholding of approval of building applications for property upon which taxes are delinquent. [Added 3-18-1996 STM]

A. Pursuant to Section 7-148, Connecticut General Statutes, as such statute may be amended from time to time, approval of all applications for building permits, certificates of occupancy or other building applications made to the Building Official of the Town shall be withheld for any property upon which taxes are delinquent for the property for which an application is made.

B. The following procedure is hereby established to implement this section:

(1) The Tax Collector shall file with the Building Official a list of all properties and property owners who are delinquent in their real property taxes as of August 2 and February 2 of each year.

(2) Before approving any building application, the Building Official shall require any applicant for any building application for property which appears on the Tax Collector's delinquency list last filed with him to either:

(a) Obtain a certification from the Tax Collector that the delinquent taxes have been paid; or

(b) Obtain a certification from the Tax Collector that the taxpayer has entered into an acceptable agreement with the Tax Collector for the payment of the delinquent taxes.

(3) The Building Official may grant a building application without the satisfaction of the above certifications if he certifies in writing, as part of the file, that an emergency exists affecting the health or safety of the occupants of a building upon which property the building application is sought.

(4) The Tax Collector and the Building Official, subject to the approval of the First Selectman, shall develop the necessary forms to implement this section.