

**ORDINANCE NO. _____ SUPPLEMENTAL
AMENDING SECTION 123-5 OF THE STAMFORD CODE OF ORDINANCES
REGARDING AUTOMATIC CLOSURE OF
CERTAIN BUILDING PERMITS AFTER NINE YEARS**

WHEREAS, Public Act No. 17-176, which is codified at CGS §29-265(c), automatically closes certain building permits nine years after being issued by a municipality if a certificate of occupancy has not been granted; and

WHEREAS, Public Act 17-176 prohibits any enforcement action based on work started or completed pursuant to such open building permit and provides that Municipalities and their officers and employees are not liable with respect to any claim related to the automatic closure of a building permit.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Section 123-5 of the Stamford Code of Ordinances is hereby amended as follows:

**ARTICLE V. - INVESTIGATION AND
REINSPECTION FEES**

Sec. 123-5. - Fees assessed.

- A. Whenever any work for which a building permit is required has been commenced without first obtaining said building permit, an investigation fee may be assessed in addition to the building permit fee. When assessed, the investigation fee shall be collected whether or not a building permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee required but in no case shall the investigation fee be less than two hundred dollars (\$200.00).
- B. No new construction of a single family home, pool, deck or accessory structure shall be used, in whole or in part, until a Certificate of Occupancy has been issued by the Building Inspector, certifying that such building, structure or work performed pursuant to the building permit substantially conforms to the provisions of the Connecticut State Building Code and the regulations lawfully adopted under said code. All completed work that does not require a Certificate of Occupancy shall require a Certificate of Completion. Any owner, contractor or any other person or entity who allows occupancy and has not obtained a Certificate of Occupancy or Certificate of Completion when same is required may be subject to a fee of two hundred dollars (\$200.00).
- C. Whenever it becomes necessary for the Building Inspector to reinspect any construction work to determine that violations of the Building Code have been corrected, a reinspection fee of fifty dollars (\$50.00) may be assessed. All such fees shall be made payable to the Building Department in advance of such reinspection.
- D. Whenever a Certificate of Occupancy is requested from the Building Department for construction, alterations or any activity requiring a building permit, one year or more after final inspections have been performed (or partial Certificates of

Occupancy have been issued), an additional fee of two hundred dollars (\$200.00) must be paid before said Certificate is issued.

- E. Whenever any electrical, plumbing or mechanical permit is issued for any work, and such work has been completed but no Certificate of Completion has been obtained within one year of completion, an additional fee of two hundred dollars (\$200.00) must be paid before said Certificate of Completion is issued.
- F. Notwithstanding Subsection A, B C, D or E above, nothing in this Section 123-5 shall require the removal, alteration or abandonment of, or prevent the continued use and occupancy of, any single family dwelling but within six (6) years of the date of occupancy or use of such dwelling after substantial completion of construction of, alteration to or addition to same, except as may be necessary for the safety of life or property. For purposes of this Section 123-5, in addition to the single family dwelling itself, a single family dwelling shall include, but not be limited to, pools, decks or any other improvements that are accessory to such single family dwelling. Within fifteen (15) calendar days of presentment of an affidavit substantially in the form set forth in subsection G hereof or other evidence of said use or occupancy reasonably satisfactory to a Building Inspector, or his designee, the Building Inspector shall provide the owner of such property with a Certificate of Estoppel, substantially in the form set forth in subsection H hereof, stating that the property falls within this category. No such Certificate shall be issued until a fee of two hundred dollars (\$200.00) has been paid. The Building Department shall keep a record of all Certificates of Estoppel issued.
- G. The form set forth in this section shall be used for purposes of the above referenced affidavit.

AFFIDAVIT PURSUANT TO SECTION 29-265 OF THE CONNECTICUT GENERAL
STATUTES

STATE OF CONNECTICUT }

COUNTY OF FAIRFIELD } ss: Stamford

_____ (date) }

I, _____, of _____ Stamford, CT, being duly sworn, hereby depose and say as follows:

1. That I am over the age of eighteen (18) years and believe in the obligations of the oath;
2. That I have been the owner of property located at _____, Stamford, CT since _____ and am under contract dated _____ to sell that property to _____;
3. That there has been certain work performed on the property, which the affiant represents was completed at least six (6) years prior to the date of this affidavit. That work is:
 - a) _____

- b) _____
- c) _____

4. That this affidavit is based upon my best knowledge and belief and is made with the knowledge that the Building Department will rely upon it in issuing a Certificate of Estoppel and that the Building Department has made no representations, warranties or certifications as to the quality of the above referenced work.

Owner

Subscribed and sworn to before me
This _____ day of _____ .

Commissioner of the Superior Court

H. The form set forth in this section shall be used for purposes of the above referenced Certificate of Estoppel.

CERTIFICATE OF ESTOPPEL

PREMISES: _____

OWNER: _____

ISSUED BY: _____

DATE: _____

The undersigned, Stamford Building Department Official, hereby certifies to _____, its successors and assigns that:

1. The following building permit(s) # _____, dated _____, are presently not closed and/or the following work has been performed but no building permit was issued: _____ all as set forth in the attached affidavit ("Open Permit");

2. Pursuant to the State of Connecticut and City of Stamford operative building codes ("Codes"), the requirement to close the Open Permit(s) requires an inspection procedure, as set forth and delineated within the respective Codes;

3. The Building Department recognizes the impracticality of inspecting the premises for the purpose of the issuance of a Certificate of Occupancy and/or Completion;

4. The Building Department further recognizes that Connecticut General Statutes § 29-265 provides relief from the requirement to close out the Open Permit(s); and

5. Pursuant to Stamford Code of Ordinances Chapter 123 - FEES Article V Section 123-5(F), the Building Department Official hereby issues this Certificate of Estoppel and absent evidence that life, health or safety are in jeopardy no action will be taken by the

Stamford Building Department to prevent use and occupancy of the above referenced premises in its present form.

STAMFORD BUILDING DEPARTMENT

By: _____

, its

- I. Notwithstanding anything to the contrary contained in this Section, nine years from the date of issuance of a building permit for construction or alteration of a one-family dwelling, two-family dwelling or structure located on the same parcel as a one-family dwelling or two-family dwelling, for which construction or alteration a certificate of occupancy has not been issued by the Building Inspector, such building permit shall be deemed closed. Following such nine-year period, no enforcement action based upon work commenced or completed pursuant to an open building permit shall be commenced. Neither the City of Stamford nor any officer or employee of the City of Stamford shall be liable concerning any claim relating to the closure of a building permit pursuant to this subsection. For the purposes of this section, "structure" has the same meaning as in the City of Stamford zoning regulations.