

## 7-0-8 PERMITS TO REMOVE OR LEGALIZE UNPERMITTED WORK

### PURPOSE

To identify when a demolition permit or a building permit is required and required permit information.

### GENERAL

To resolve a violation, a property owner may determine that work completed without required permits cannot be legalized or is not cost effective to do so. In those cases, the property owner is required to remove the unpermitted improvements and restore the structure to its permitted use. Typically, a property owner desires to remove the minimum improvements necessary to close the violation while retaining and legalizing some portions of the unpermitted work.

This policy establishes the type of permit that is required to address specific building code violations to obtain code compliance.

Removal of an entire structure requires a demolition permit. Removal of unpermitted additions or other interior or exterior improvements will require a building permit to remove and/or legalize the unpermitted work.

### PROCEDURE

#### A. Removal of entire structure:

1. If the property owner elects, or is required, to remove the entire structure, the issuance of a deconstruction and/or demolition permit is required. A separate permit is required for each structure:
  - a. The property owner shall submit a complete permit application and site plan showing the location of the structure to be removed and other features and structures on the property.
  - b. Code enforcement staff shall review the application and verify the proposed work addresses the violation. Form CDE-005 Demolition/Removal Permit Checklist may be used to clarify the approved scope of work. Penalty fees shall be imposed, if applicable.
  - c. To obtain final inspection approval of the demolition work, the structure(s) shall be completely removed, including foundation, unless specifically excluded on the permit application. All above and below ground utilities, including any septic tanks, shall be removed. A separate septic tank destruct permit is required. All demolition debris shall be removed from the property and appropriate measures taken to prevent erosion.
  - d. Permission may be granted by supervisory or management staff to allow all or a portion of an illegal foundation system to remain on the property. If allowed to remain on the property, staff shall note in the permitting software the reason the foundation was left on the property and note that the foundation was not inspected or approved under this permit.

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- B. For improvements to an existing structure such as changes of occupancy classification, conversion into a dwelling unit, additions, and/or other work completed without required permits:
  - 1. The property owner shall submit a complete building permit application package with plans (as needed) to address the unpermitted improvements including a site plan showing the location of the structure being altered and features and structures on the property.
  - 2. Prior to Plan Check review, Code Enforcement staff shall review the application to verify that it corrects the violation of record. Code Enforcement staff shall verify that the floor plan illustrates and identifies all items to be removed or legalized. All components required to be removed by Code Enforcement and the extent of their removal (fixtures only; fixtures and rough; fixtures, rough and service, etc.) shall be noted on the plans and on Form CDE-005 (if used).
  - 3. Plan Check will review the application for any items being retained (legalized) and verify structural compliance for any items (partitions, exterior walls, etc.) being altered or removed.
  - 4. Unpermitted work being legalized shall meet all policies and current codes. All departmental approvals will be necessary prior to issuance of permits to legalize work completed without a permit.
    - a. Prior to permit issuance, Code Enforcement shall review the application for issuance and apply penalty fees if applicable.
    - b. Building Inspection staff shall verify compliance with the approved drawings and may reference [Policy 1-4-2 Concealed Construction Verification Guidelines](#). Any work observed to be new construction but not addressed on the approved drawings should be treated as any other work in accordance with [Policy 7-0-13 Exceeding the Scope of Issued Permits](#).

**ATTACHMENT**

CDE-005 Demolition/Removal Permit Checklist

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