

Permits to Remove Unpermitted Work

PURPOSE

To identify when a demolition permit (AB-DEM) versus a building permit (B-BLD) should be issued and to specify required information.

GENERAL

In the course of resolving a violation, a property owner may determine that work completed without required permits cannot be legalized or is simply not cost effective to legalize. In those cases, the property owner is required to remove the unpermitted improvements and restore the structure to a lawful condition. Typically, a property owner desires to remove the minimum improvements necessary to close the violation of record. However, a property owner may elect to legalize some portions of the work completed, if required approvals can be granted.

It is the intent of this policy to establish the type of permit that may be issued to address specific building code violations and the extent of demolition required to obtain code compliance.

Removal of an entire structure constructed without permit requires a demolition permit initialized as AB-DEM with a subtype of VDMO. Removal of additions or interior improvements completed without permit will require building permits to remove unpermitted work. Those permits shall be initialized as B-BLD with the subtype of VDMO.

PROCEDURE

A. For entire structures constructed without a permit.

1. If the property owner elects, or is required to remove the entire structure, the issuance of a demolition permit is appropriate. A separate demolition permit will be required for each structure.
 - a. The property owner shall submit a complete application as required for a demolition permit.
 - b. Permit technicians shall initialize the permit as a AB-DEM permit with a subtype of VDMO. The standard demolition fee (fee item 0045) shall be charged for each structure being demolished.
 - c. Code enforcement staff shall review the application and complete form CDE-005 *Demolition Permit Checklist*, requiring a site plan identifying the subject structure(s)

- and verifying the proposed work addresses the violation. Penalty fees shall be imposed if applicable.
- d. In order for building inspection staff to approve final inspection of the work required by a demolition permit, the subject structure(s) shall be completely removed, including foundation, above and below ground utilities including a septic tank destruct permit if necessary. All demolition debris shall be removed from the property and appropriate measures taken to prevent erosion.
 - e. 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, field inspection staff shall note on the inspector's copy the reason the foundation was left on the property, and note that the foundation was not inspected or approved under this permit.
- B. For unpermitted improvements within an existing lawful structure, unpermitted additions or combinations thereof.
- 1. If the property owner elects to demolish some or all of the unpermitted improvements, issuance of a building permit with plan check approval (B-BLD) is required.
 - a. The property owner shall submit four sets of complete drawings as required for a B-BLD permit.
 - b. Permit technicians shall initialize the application as a B-BLD permit with a subtype of VDMO. A plan check fee shall be collected and plan check completed. Staff shall charge a minimum of one half hour of plan check time. The minimum permit fee shall be per the Abatement Demolition Permit fee (fee item 226) in our adopted fee schedule. If the proposed work includes legalizing an addition, partitions, electrical, mechanical or plumbing work, additional permit fees shall be collected based on the item being legalized
 - c. Prior to plan check review, code enforcement staff shall review the application to verify correction of the violation of record and complete form CDE-005. Code enforcement staff shall verify the floor plan illustrates the current and final floor plan 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) shall be noted on the plans and on form CDE-005.
 - I. If the subject structure is in violation for the first time, code enforcement shall only require fixture removal.

- ii. If unpermitted improvements have been installed a second time, code enforcement shall require removal of the fixtures and rough-ins. Rough-in plumbing and heating ducts shall be removed completely. Pipes located under slab shall be filled with concrete. Electrical wiring including conduit must be removed.
- iii. If unpermitted improvements are installed a third time, or if the improvement cannot be permitted, code enforcement shall require removal of the fixtures, rough-in and service to the structure for the particular component, (i.e. electrical, waste, water, gas, etc.). Code enforcement shall label the application as “approved for plan check only” and forward for plan check review.
- d. Plan check will review the application for any items being retained (legalized) and verify structural compliance for any items (partitions, exterior walls, etc.) being removed. Some projects may be able to be plan checked at the building cubicle in accordance with Permit & Resource Management Department (PRMD) Policy 9-4-6, *Building Plan Check and Approvals Done at the Building Cubicle*. Plan check fees above the minimum half hour shall be charged based of the value of work being legalized.
- e. 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 permit.
- f. Prior to permit issuance, code enforcement shall review the application for issuance and apply penalty fees if applicable.
- g. Building inspection staff shall verify compliance with the approved drawings and PRMD 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 PRMD Policy 7-0-13, *Exceeding the Scope of Issued Permits*.

ATTACHMENTS

A. CDE-005 Demolition Permit Checklist

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

Lead Author: Ben Neuman

Replaces:
7-0-8 Abatement Demolition Permits, dated 03/07/05

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