

## BUILDING DIVISION – POLICIES AND PROCEDURES

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### PERMIT AND INSPECTION REQUIREMENTS FOR STRUCTURAL ELEMENTS NOT SPECIFICALLY REGULATED BY THE BUILDING CODE

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**ISSUE:** When shall building permits and inspections be required for systems which meet the definitions of “structure” but for which specific elements, in themselves, are not regulated by the building codes or are exempted from building permits?

**ANALYSIS:**

Section 202 of the International Building Code (IBC) defines a structure as:

“Structure is that which is built or constructed.”

Section 101.3 of the IBC states:

“The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation, and for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations”.

**101.4 Referenced codes.** The other codes listed in Sections Section 101.3 of the IBC states:

The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

These definitions, taken together, could be interpreted very broadly to encompass earth or soils placement; private street and parking lot paving; private sidewalk and curb construction; etc. However, many of these systems, while complying with the definition of structures, have no regulatory, design, or construction provisions within the code. Furthermore Section 106.2 of the UBC specifically exempts some of these activities such as but not limited to small detached accessory structures and play houses, or low level fences, retaining walls, platforms, walks, and driveways from permit requirements. However, specific elements related to these systems such as the structural design for high retaining walls or for walls supporting a surcharge or impounding classified liquids; elements of accessibly routes such as ramps, stairs, parking requirements, guardrails, handrails; or vehicle barriers, etc are regulated by the code. While section 106.2 of the UBC may exempt permit requirements, it does not waive the responsibility of the owner/contractor to perform all work in conformance to applicable code requirements.

The second paragraph of Section 104.1 of the IBC states:

“The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.”

Section 110.1 of the IBC states:

“Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner’s authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.”

While it is clear that virtually any work performed on private property could be interpreted as requiring permits and inspections, it is also clear from section 105.2 of the IBC that when the exposure to threats to “life or limb, health, property and public welfare” are considered low, such permits are not required. It is also clear that from section 110.1 of the IBC that inspections are only required when permits are required.

Additionally, if code requirements for a specific construction element, such as paving, are not incorporated or referenced in the building code it would be inappropriate to permit and/or inspect these construction elements.

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**POLICY & PROCEDURE:** As permitted Section 104.1 of the 2021 International Building Code, elements of construction for which code requirements or for which construction criteria are not incorporated or referenced in the adopted building code shall not be required to obtain building permits or inspections from the City of Golden Building Inspection Division. This shall include but not be limited to private driveways, parking lots, sidewalks, curb and gutter, fill associated with these or similar structures, non-structural fill, etc. Specific elements of these improvements which are regulated by the adopted building code, such as but not limited to retaining walls, accessibility routes, ramps, stairs, accessible parking requirements, guardrails, handrails, vehicle barriers, etc, shall be permitted and/or inspected as otherwise require by the adopted building code.

The exemption of permit and inspection requirements shall not be deemed as authorization for any work to be performed that violates any provisions of the building code or any other laws or ordinances of the City of Golden. It shall be the responsibility of the owner and persons performing the work to be in full compliance will all applicable codes, ordinances, or other enforceable rules and regulations.

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