

BUILDING DIVISION – POLICIES AND PROCEDURES

DATE: 3/1/2017

"AFTER THE FACT" PERMITS

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ISSUE: How shall After the Fact Permits be handled?

ANALYSIS: Many projects, for whatever reasons, are started and/or completed without the issuance and completion of the required permits or inspections. After discovery, by an inspector, a complaint, or a pending sale, the problems of legalizing these projects arise. It must be verified that these projects comply with all of the Cities adopted codes and ordinances. These include, but are not limited to requirements for planning and zoning, fire, building, electrical, mechanical, and plumbing, etc. While the Building Division may verify compliance with the adopted building codes, it cannot grant approvals for other city departments or divisions. The only way to reasonably insure that all City requirements are adhered to is to require that the formal permit application, review, and approval process is followed.

While it is always the responsibility of the property owner to construct a code compliant project, it is ultimately the duty of the plans examiners, building inspectors and building official to approve such work. Destructive examinations and testing to expose all elements of the project that require inspection and approval is the most accurate means to determine compliance with the construction codes. While at times this may be appropriate, it can lead to a substantial cost to the project owner and also cause ill will. Selective exploration, adequate to determine the general workmanship, proficiency of the installers and code compliance may be all that is necessary. Certifications from licensed professionals for the electrical and plumbing elements, identifying code compliance, may also be useful. A licensed Design Professional (engineer or architect) may also be helpful to certify the structural elements of the project. Use of other approved special inspectors might also assist in the approval of specific elements, such as fire resistance.

It may also be appropriate to prosecute the property owner for his/her failure to obtain the required permits and/or inspections. The City will also assess additional investigation fees, as required by the code. However, the duty of the Building Division is to ensure code compliance, it is not charged with exacting an undue burden or to make value judgments on the intent of the property owner, or on his/her knowledge of permitting requirements. If the Division feels justified, especially for repeat offenders and registered contractors, it can and should issue citations and let the court determine any necessary and appropriate punishment.

There is also a tendency to be more lenient on property owners who acquired property that contains work illegally performed by previous owners. While it may be appropriate to sympathize with the owner, the City owes no individual duty to the owner who accepted illegal or unapproved work. The City's duty lies in enforcing the code requirements and ordinances designed and adopted to protect the general public welfare and to protect current and future owners and/or occupants of the property. It should be noted that the State of Colorado is a full disclosure state and legal recourse may be available to the owner against previous owners and/or real-estate agents or brokers.

POLICY & PROCEDURE: Work requiring permits and inspections which has been performed prior to the required City approvals shall be required to comply with all City codes and ordinances. The responsibility for code compliance lies with the property owner. The duty to insure compliance with these codes lies with the City of Golden.

1. A Building Permit application containing all required plans, specifications, and other necessary documents shall be submitted. Plan review fees are owed and due at the time of permit application. The permit application will not be accepted or reviewed without payment of the plan review fees.
2. The Building Permit application and supporting documents will be routed for plan review to all the appropriate City divisions and/or departments.
3. Upon approval by the appropriate City divisions and departments, and upon the subsequent payment of all required fees, a Building permit shall be issued. **City building inspectors shall perform all required inspections for all exposed work.** Concealed work may be accepted per the requirements of item 4 below.
4. Upon issuance of the required building permits, per item 3 above, and approval by the Building Official, concealed work and/or specific elements of the work may be accepted per the following procedure:
 - Owner shall obtain a certification, identifying compliance with City Electrical codes, from an impartial Colorado Licensed Master Electrician and City Registered Electrical Contractor for all concealed electrical work. Such certification shall be provided to the City.
 - Owner shall obtain a certification, identifying compliance with City Plumbing codes, from an impartial Colorado Licensed Master Plumber and City Registered Plumbing Contractor for all concealed plumbing work. Such certification shall be provided to the City.
 - Owner shall obtain a certification, identifying compliance with City Mechanical codes, from an impartial City Registered Mechanical Contractor for all concealed plumbing work. Such certification shall be provided to the City.
 - Owner shall obtain a certification, identifying compliance with City Building codes, from an impartial City Registered General Contractor, for all concealed nonstructural work, i.e. non-bearing walls, drop ceilings, soffits, fire blocking, etc. and for conventional structural elements which are prescriptive to the building code. Such certification shall be provided to the City.
 - Owner shall obtain a certification, identifying structural adequacy in conformance with City Building codes, from an impartial Colorado Licensed Architect or Engineer for all concealed non-prescriptive structural elements, i.e. beams, headers, footings, foundations, trusses and other engineered or designed systems, etc. Such certification shall be provided to the City.
 - After the City has received the required certifications, verification inspections of the concealed work shall be scheduled and performed by the City building inspectors. The City inspectors may require that limited areas of the finished wall and ceiling surfaces be removed to assist in the verification. Acceptance of all concealed is subject to the Building Official approval.
 - Accepted concealed work shall be recorded as an "After the Fact" stating the conditions and circumstances under which the acceptance was granted.

Work not allowed, permitted, or approved for issuance of a building permit or accepted per this policy shall be removed and returned to the original prior approved conditions.

The Building Official may modify the requirements of this policy on a case-by case-basis, as necessary. This policy shall not be interpreted to waive, modify, or void any other rule, regulation, ordinance, or any other requirement of the City of Golden. Where a conflict arises between this policy and other valid requirements the most restrictive shall govern. Neither shall compliance with this policy remove or otherwise restrict any administrative or legal remedies available to the City for cost recovery and/or code enforcement.