

CITY COUNCIL REPORT

DATE: March 2, 2016

TO: Mayor and Councilmembers

FROM: Mark Landsiedel, Community Development Director
Michael Scheu, Building Official

CC: Josh Copley, Jerene Watson, Barbara Goodrich, Leadership Team

SUBJECT: Policy on Unpermitted Construction permitting

This is an informational report regarding a new policy by Building Safety dealing with the issue of unpermitted construction after the fact.

DISCUSSION :

Building Safety has been receiving approximately 2 calls per month from realtors, prospective home buyers and current owners on what the City requires for residential additions or remodels that were not permitted and inspected. In consulting with the City Attorney and discussing with the Assistant to the City Manager, it was decided that the City could not disregard a violation that is spelled out in the adopted Building Codes.

Section R105.1 of the International Residential Code (IRC) and Section 105.1 of the International Building Code (IBC), states that “Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.”

IRC Section R113 and IBC, Section 114, it states “It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done in conflict with or in violation of any of the provisions of this code.”

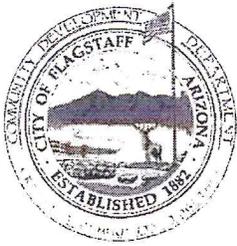
The City has the responsibility to ensure that when construction is being done on or in building, the construction is done in accordance with minimum standards to ensure life safety for the occupants of the building(s). When the City becomes

aware of a violation of the building codes, the City is required to make sure the construction that was done is safe for the occupants.

Attached is the policy for permitting unpermitted construction.

RECOMMENDATION / CONCLUSION

This report is for information only.



City of Flagstaff
Planning & Development Services, Building Safety Program
211 W. Aspen Ave. Flagstaff, Arizona 86001

Permitting Unpermitted Construction

What is “unpermitted construction?”

Building projects that have been constructed without a valid building permit and/or final inspection are considered unpermitted construction.

Why do I need a permit?

- The City of Flagstaff has adopted the International Building Code (IBC) and International Residential Code (IRC), which require permits for most building projects. (IRC Section R102 & IBC Section 102)
- Building without a permit may subject the property owner to civil penalties. (IRC Section R114.4 & IBC Section 113.4)
- The permitting process ensures that work is done safely and meets building code requirements. Substandard construction can result in house fires, flood damage, and/or structural deficiencies.

Can I be cited for unpermitted construction?

- Yes. Upon discovering unpermitted construction, the City of Flagstaff Building Safety Program will issue a Notice and Order to the property owner by certified mail. (IRC Section R113 & IBC Section 114)
- The Notice and Order will describe the violation and require that the violation be repaired or demolished.
- Failure to resolve the Notice and Order may result in further legal action up to and including prosecution and fines as prescribed by law.
- A Notice and Order will also be recorded with the Coconino County Recorder that is placed on the property title if the owner does not cooperate or does not make progress towards obtaining a permit.

What if the work was completed years ago by a previous owner?

There is no statute of limitation on illegal construction. In other words, unpermitted construction does not become legal after a certain number of years.

- A change in ownership does not make the unpermitted construction legal.
- The City may reduce permitting fees where the current property owner demonstrates that the unpermitted construction was completed by a previous owner.

What are my options?

When legalizing unpermitted construction, the property owner has two options:

- 1) The property owner may choose to restore the building to its original condition by demolishing the unpermitted construction and repairing any alteration to the building.

OR

