



City of Flagstaff  
Building Safety & Code Compliance Section  
211 West Aspen Avenue  
Flagstaff, Arizona 86001  
[www.flagstaff.az.gov/494/Building-Safety](http://www.flagstaff.az.gov/494/Building-Safety)

### **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**
- 2) Start the process of legalizing the unpermitted construction by following the process described below.

### **How do I permit unpermitted construction?**

- To legalize work that was built without a permit, you must show that the work complies with **current** building codes.



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- Once the unpermitted construction is identified and a Notice and Order has been received, contact the City of Flagstaff Building Safety Program at 928-213-2628 to schedule a meeting with a Building Inspector. The Building Inspector will assess the unpermitted construction and determine what plans need to be submitted and any portions of the structure that will need to be exposed for further inspection.
  - Visible Construction: Where the nature of the project leaves the work exposed, such as re-roofs, gazebos and decks, or where work has not been completed and is still open and readily visible, the inspector will be able to evaluate the structure as built.
  - Covered-up Construction: Where the structural members are covered by drywall, plastering, siding or any other type of material, the inspection may require the removal of those materials to expose the structural members in order to allow the inspector to confirm that the work was built according to code. The age and condition of the unpermitted construction will be considered when determining the extent to which materials will need to be exposed.
- After meeting with the Building Inspector, submit a Building Permit application and 2 sets of as-built construction plans (as specified by the Building Inspector). The plans must be drawn to scale by an Arizona licensed Professional Architect, Engineer in good standing with the State Board of Technical Registration, or Licensed Contractor
- The submitted plans will be reviewed by Building Safety Program staff and other City of Flagstaff divisions to ensure that the structure was designed in compliance with the current building codes and any other pertinent city codes. Once the plans are completed and deemed code compliant, the building permit is ready to be issued. The issuance of the building permit **does not** legalize the unpermitted construction. The building project still has to be inspected to confirm that the work was completed according to the plans.
- When you are notified that the permit is ready to be issued, you will need to pick up the permit and schedule an inspection.
- It is the responsibility of the current property owner to ensure that all work is accessible and exposed for inspection.
- During the inspection, the unpermitted work will be compared to the reviewed plans. This may require the removal of building materials to allow the Building Inspector to confirm for code compliance. If the owner is unwilling to expose a sufficient amount of the work or make corrections to comply with code requirements, the permit will be voided and a Notice and Order will be submitted to the County Recorder. Other penalties or charges may also be levied against the owner.
- If the inspection identifies items that do not comply with the current code, the property owner will be required to repair those items (i.e., bring them up to code) and schedule follow-up inspections to confirm that the repairs were completed properly.
- When the work described in the approved plans is completed and a final inspection has been performed and passed, any Notice and Orders that may have been sent to the County Recorder will be rescinded.