



Building Services Division

POLICY

CONSTRUCTION WITHOUT PERMIT/INSPECTION

Issued: 10/20/2021

Revised:

Approved: _____

Purpose

The intent of this policy is to outline the process staff shall follow when a permit, or an inspection, has not been obtained/approved prior to proceeding with work. This policy does not pertain to after-the-fact permitting when work was completed by a previous owner. The differential is one intentionally evaded the code, while another purchased unpermitted work and desires to make it right; discouraging evasion and encouraging correction efforts.

Background

The California Building Code (CBC) § 105, and California Residential Code (CRC) § R105 sets for requirements for building permits within Placer County.

Permit Required

CBC § 105.1: Any owner, or owner's 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, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

CBC §109.4; CRC 108.6: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the require permit fees.

Penalty

Building Department Fee Schedule currently allows for an investigative fee at the hourly rate. For example, the Division receives a complaint or observes construction without benefit of an issued permit. Staff shall charge the hourly rate to investigate the project and for each step until the project returns into the normal permitting process. These fees are charged to cover the cost of the investigation and to discourage construction activities without the benefit of an issued permit.

However, if the owner contacts the Division themselves and have purchased the property with an unpermitted structure, no investigation fee is charged. Not charging the fee is an incentive to right sizing the property by getting the permit. If a fee is required owners may elect to wait to get caught rather than to do the right thing and start the permitting process.

Inspection

CBC § 110.1: 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

POLICY

CONSTRUCTION WITHOUT PERMIT/INSPECTION

for inspection purposes until approved...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 expenses entailed in the removal or replacement of material required to allow inspection.

Policy

In the instance an owner, or owner's agent, has commenced work in violation of the above referenced sections the following has been prepared to outline the remediation process for non-permitted or progress beyond approval instances:

1. No further work shall occur on the project until the existing construction satisfies the following requirements.
2. Provide the company name/license holder name, license number and contact information of every contractor and sub-contractor participating in the unpermitted or uninspected portion of the project.
3. Where no permit exists, prepare construction drawings and an application for a building permit relative to the scope of work.
 - a. Obtain any necessary permits and pay any associated fees and penalties.
4. Qualify the work completed without benefit of permit or inspection (owner/agent chooses one option):
 - a. Remove any material necessary to allow the County's Building Services inspection team an opportunity to review the work as the County would in its normal course of business at the sole cost of the owner (CBC 110.1).
 - b. To ensure safe building construction, the following items must be completed to the satisfaction of the Building Services Division and submitted within 30 days of the notice by the County:
 - i. The owner/owner's agent is to provide a written plan that demonstrates the intended path to qualify the work to date.
 - ii. The "Plan" is to be submitted to, and approved by, the Building Services Division prior to implementation.
 - iii. The Plan shall include:
 1. **WHO:** A third-party California Registered Engineer (not the project engineer) or Engineers qualified to evaluate the existing construction including structural and, where installed, mechanical, electrical and plumbing systems. The Engineer's submittal shall include their qualifications to evaluate such work. (A structural observation conducted by the project engineer/any engineer during

POLICY

CONSTRUCTION WITHOUT PERMIT/INSPECTION

the unpermitted/non-inspected work DOES NOT negate the requirement for a third-party engineer to qualify the work.)

2. **WHAT:** Upon receipt of County Building Services Division's approval of WHO, the Engineer shall outline the methods of testing for qualifying the construction in accordance with the current California Code of Regulations.
3. **QUALIFY:** Upon approval of the outline, the Engineer(s) shall conduct their evaluation. The results, including recommended mitigation work ensuring code compliance, shall be submitted in writing to the County Building Services Division for review.
4. **MITIGATION:** Upon approval of the evaluation and any mitigations, the owner/owner's representative may commence the recommended mitigation work, thereafter, calling for a County Building Services Division inspection.
5. **PROCEED:** Upon approval of the mitigation work, the project may return to a normal course of inspection.

Please be advised that failure to submit the required documentation by the requested date will result in the case being forwarded to the County's Code Compliance Services for further enforcement action.