

Construction without Permit

Guide & Requirements

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When Is a Permit Required?

I Section 105.1 within the 2013 California Building Code requires 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 to cause any such work to be done, shall first make application to the Building Official and obtain the required permit(s).

What is Construction Without Permit?

II Construction without permit (CWP) pertains to all buildings, structures and equipment that have been constructed, or placed on the property prior to obtaining the required permit(s). The owner, or authorized agent will have the option of either obtaining a permit to demolish the un-permitted construction, and when applicable restore the structure to its original permitted state. The owner may also choose to begin the permit process in order to obtain the required permit(s) so as to ensure the building, structure and/or equipment is in compliance with

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all minimum safety requirements and current code standards to ensure the protection of lives and property from the hazards of unsafe construction.

How Do I Come into Compliance?

III Where construction without permit has occurred, the applicant shall be required to obtain an hourly permit prior to the required building permit. The purpose of the hourly permit will be to provide a pre-site inspection by a building inspector. During the pre-site inspection, the building inspector will take photographs, determine the approximate extent of de-construction required for inspection, determine the permit type(s) and provide a written report of the findings.

When submitting an application for the hourly pre-site inspection permit, the applicant shall provide a site plan identifying all property lines, structures, private sanitary systems, and property characteristics. The site plan will be scaled and dimensioned from all items listed above. The Land Use staff will identify the zoning of the property and determine if the project identified as constructed without permit is an allowed use on the property. All current zoning regulations and **Indian Wells** Ordinance requirements shall apply. Once land Use determines the use is allowed on the property, the applicant will pay the required fees, obtain the hourly permit and may schedule the pre-site inspection.

When Can I Submit Building Plans?

IV Once the written pre-site inspection report has been completed; the applicant must submit building plans to the building department within 30 days for review. All building department building plan submittal and fee requirements apply. The building plan submittal must

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include a copy of the pre-site inspection report and recommendations. All building plans and supporting documents shall comply with all current adopted Building Codes, **Indian Wells** Ordinances and California Title 25 Regulations.

Will Additional Departments be involved?

V The applicant will be responsible for any and all other department requirements.

Where other departments such as Planning, Transportation, Grading, Fire, Flood, Health, and/or Environmental programs departments require a review or condition approval, the applicant shall contact the applicable departments for possible clearances and requirements, this may be done concurrently with the building department building plan review.

Concealed Construction Verification Guidelines

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Purpose

To provide minimum standards for verification of construction concealed without required inspections.

General

It is the intent of this policy to establish reasonable compliance with approved plans, specifications, and applicable codes via independent verification and selective inspection. If selective inspection or independent verification indicates code compliance, then the remaining concealed construction is assumed to be correct.

All construction concealed without the benefit of required inspections shall require independent verification of code compliance in addition to any observation reports provided by a project engineer or architect. Self certification methods such as photographs and video graphic information shall not be accepted in lieu of independent verification.

If the permit application is submitted under stamp and signature of a licensed professional, the verification methodology shall be proposed by the licensed professional and approved or rejected by the Building Official or his/her designee. The proposed verification plan shall include a non-destructive testing method, designation, of finish materials to be removed and exposure of structural elements for inspection by the **Indian Wells** inspector. The proposed verification plan shall not depend solely on the observation reports provided. While photographs are not accepted in lieu of verification, photos submitted by a licensed professional in conjunction with a report that clearly identifies of the work, materials, and installation method may be accepted to supplement a report or inspection(s).

Authority

Required Building Permits: Section 105.1 California Building Code

Submittal of Documents: Section 107.1 through 107.5 California Building Code

Inspection Requirements: Section 110.1 through 110.6 California Building Code.

Procedure

When a project or work has been identified by Code Enforcement staff as construction without permit, the responsible party shall meet with land use staff and obtain land use approval. Once land use approval has been

granted, an hourly permit shall be obtained for the purpose of scheduling an appointment with Building Department staff to identify plan submittal requirements and a pre-site inspection if needed. During the pre site inspection, the Building Inspector will meet with the responsible party and discuss areas requiring exposure and verification.

Where applicable, the following minimum verifications shall be required:

1. Foundations or retaining walls poured without required inspections

- a) A non-destructive test and report shall be required from an independent materials testing company or the project design professional (Engineer of Record) and provided at the expense of the responsible party. At a minimum, three locations must be examined and/or at least one enlarged pad for point loads must be verified. The non-destructive testing report shall sufficiently detail and verify the placement and size of reinforcing steel, footing depth and width. The locations examined shall be chosen by the independent materials testing company, and included as deferred plan check submittal in accordance with Section 106.3.4.2 (California Building Code).

Or:

- b) A licensed professional may propose an alternative method of verification for unconventional construction. The method of verification shall be subject to approval by the Building Official or his/her designee.

2. Seismic anchorage systems or embedded seismic anchorages installed without required inspections

- a) A pull test (To verify full design load is achieved) shall be conducted by an independent materials testing company for at least 25% of all embedded seismic anchorages.
- b) For commercial projects, in addition to the pull test, review and approval by the engineer of record and Plans Examiner is required. Any failed pull test will require testing of all embedded seismic anchorages and repair of any failed anchorage via engineering analysis.

Or:

Visual certification *may* be allowed at the Building Inspectors discretion for embedded seismic anchorages for patio covers, carports, gazebos and similar structures of an accessory or miscellaneous manner.

3. Slabs on grade requiring a moisture barrier that have been poured without the required inspections, installation of a listed surface treatment or paint on moisture barrier is required.

4. Shear walls, metal straps, and connectors concealed without required inspections

a) Visual verification of at least 25% of the concealed construction shall be required as determined by the engineer of record or the Building Official designee.

Or:

b) A California licensed architect or engineer may propose an alternative method for independent verification of concealed shear walls. The proposed method shall be submitted to the Building Department for approval.

5. Wallboard used as a fire rated assembly or bracing

a) Verification shall be via the use of a nail locator, or the installation of additional fasteners and compliance with approved assembly requirements.

b) Verification of wallboard thickness and material type shall be via removing a portion of the assembly to expose at least one wallboard grade and thickness.

6. Electrical systems concealed without required inspections

a) All electrical panels and splice boxes shall be opened for inspection for entire systems installed without required inspections. The Building Inspector shall verify box fill and ground system bonding via selective inspection. The Building Inspector has the option of requiring the removal of electrical receptacles and/or switches as required. Bonding to metal piping systems shall be exposed and inspected. Ufer grounds shall not be accepted if installed in a foundation that was constructed without inspection.

b) The Building Inspector may allow visual spot checking to verify code compliance of partial systems or repair work concealed without required inspections.

c) Electrical and bonding systems installed in conjunction with swimming pools, fountains, and similar installations shall be tested by a licensed

electrician and a report provided stating the wiring method used, resistance readings and a suitability of the system in compliance with current adopted California Electrical Code requirements.

- d) For commercial structures, industrial and multi-family dwellings, a licensed electrician shall be on-site and the installation may be de-energized at the request of the Building Inspector prior to inspection. For single family and agricultural buildings, an electrician may be required at the discretion of the Building Inspector.

7. Mechanical and plumbing systems

- a) Testing per the currently adopted California mechanical Code (CMC) and/or California Plumbing Code (CPC) shall be required for entire systems installed and concealed without required inspections. Three key locations shall be exposed as selected by the Building Department for verification of material size and configuration.
- b) For commercial under-slab mechanical and Plumbing or process waste systems, video graphic verification provided by a licensed contractor of system(s) installed without required inspections shall be required.
- c) Visual spot verification may be allowed for partial systems or repair without required inspections. The Building Inspector may require revealing concealed components to verify code compliance.