

RESOLUTION NO. R10-069

A RESOLUTION ADOPTING RULES AND REGULATIONS PERTAINING TO THE ENFORCEMENT OF CERTAIN NATIONAL AND INTERNATIONAL CODE PROVISIONS REGARDING AFTER THE FACT RESIDENTIAL BUILDING PERMIT

WHEREAS, a number of National and International Building and Maintenance Codes were adopted by the Arvada City Council on November 19, 2007, pursuant to CB07-044; and

WHEREAS, Section 2-143 of the Arvada City Code authorizes City Council to administrative rules and regulations governing administrative procedures and the application of law to the public following a public hearing; and

WHEREAS, City Council wishes to adopt certain rules and regulations governing the enforcement of these Codes in order to provide direction to staff on certain matters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ARVADA COLORADO

Section 1. The City Council hereby adopts the following Administrative Rules and Regulations:

ADMINISTRATIVE RULES AND REGULATIONS

**POLICY:**

A building permit may be required in the event a building or structure is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished. There are instances where building activity took place in the absence of required permit(s). In order for a structure to come into compliance with City Codes, the property owner must obtain an After the Fact Building Permit.

If work was done that cannot meet conditions set forth in the zoning and building codes, the general policy is that either the work must be altered to meet the code requirement, or else the work must be undone and the building restored to its original approved condition. Examples include:

- Building additions that extend into a setback or easement
- Building additions that exceed the maximum height requirements
- Fencing that exceeds maximum height limits or is constructed in a setback or easement

After the Fact (ATF) Building Permit

In many instances, the City will favorably consider issuing an After the Fact Building Permit. Obtaining an ATF permit is similar to the process used to obtain a regular permit. In order to qualify for an ATF permit, the following conditions must be met:

1. The improvements shall have been known, used, and/or occupied for a period of not less than two (2) years by the owner, or alternatively, the improvements in question were made without the current owner's knowledge and all work associated with these improvements has been completed.
2. If the building or structure is structurally sound, the building system components are operating without interruption, there is no evidence of hazardous conditions, and in general the building, structure, or component has withstood the test of time, the building or structure will not be required to meet the currently applicable code requirements. If the building, structure, or component is not safe to utilize for its intended use, then changes that are in conformance with the current building codes must be made. These changes will be the minimum required, in the opinion of the Chief Building Official, to meet health and safety requirements of the Codes.
3. Appliances and equipment shall be approved if they are installed in a code-like manner, meaning the installation meets the intent of the code for life safety and fire resistance.
4. The property owner may be required to hire a third party to inspect and/or certify the operation of systems, or certain aspects of the work.

#### Additional Considerations

Additional work may require the issuance of new permits.

- If during an inspection the Building Official discovers a health and safety issue where conditions are such that physical injury or fire is likely, the Building Official may require immediate resolution of the situation.
- The building permit will note which portions of the work have been covered up and were not visible for inspection. The building permit may contain such notation as deemed necessary by the Building Official to describe unusual construction work.

This policy shall not be interpreted to waive, modify, or void any other rule, regulation, ordinance, or any other requirement of the City of Arvada.

#### **Fees:**

Use tax and permit fees, if inspections are required, will be as set forth in the current tax and fee schedules will be collected.

Section 2. This resolution shall be effective upon its approval by the City Council.