

**CITY OF EUSTIS
DEVELOPMENT SERVICES DIVISION
POLICY FOR UNPERMITTED PROJECTS BY PREVIOUS OWNER**

ISSUE

The City has both a legal and moral obligation to inspect all construction to ensure the minimum code standards necessary for public safety have been met. By doing these inspections during the construction process, the City ensures the inspections occur at the most critical points without undue imposition to the owner and/or builder. However, there are instances where construction is undertaken and completed without obtaining proper permits, and the City has no opportunity to inspect at the appropriate points in the process. In many of these instances, the illegal construction is not detected until the owner who was responsible for the construction has sold the property involved. When this situation occurs, the current owner is placed in the position of being responsible for removal or correction of a violation he or she has had no part in creating.

BACKGROUND

State laws and local ordinances require that construction permits be obtained and inspections performed on construction projects in order to ensure the safety of the public. At times it has come to the attention of the City that construction projects have been completed without the necessary permits and/or inspections. Many of these projects involving violations of the construction codes were completed years before they came to the City's attention, and are often found to have been completed by a previous property owner. This policy is to ensure the protection of the public, and to recognize the current owner's innocence of any wrongdoing.

POLICY

A. General

The construction must have been done prior to the current owner obtaining the property on which the construction occurred.

B. Current Owner's Responsibility

1. Provide proof of when the construction occurred (property appraiser's records, tax records, etc.), and
2. Obtain an "inspection only" permit, and
3. Pay any fees that may be associated with the permit. Fees will be assessed for each of the applicable specialties involved, in addition to any capacity and/or impact fees that may be due.

C. Permitting Requirements

1. To obtain a permit, the applicant shall provide the evidence required in Part B of this policy, and
2. Submit two copies of a current, to scale, "site plan" showing the location of all structures with relationship to the property lines and any easements and/or rights-of-way, and
3. Submit two copies of a scaled "as-built" construction plan that includes all work completed without permits and/or inspections. The plans shall comply with the City's Property Maintenance Code.
 - * If the unpermitted work includes structural components comprising the main wind force resisting system and components or cladding, the plan must be signed and sealed by a Florida registered engineer attesting to the "as-built" constructability.
4. Finally, the applicant shall pay the fees required by Part B of this policy.

D. Inspection Requirements

1. The City will review the site plan for compliance with the Land Development Regulations prior to issuing the permit(s).
2. The owner shall request inspections of the construction in question after permits have been issued.
3. Inspections will be conducted for compliance with the plans and the City's Property Maintenance Code.
4. A "Certificate of Compliance" will be issued upon the successful completion of all required inspections.

E. Enforcement

1. Owners cited for construction without a permit and/or inspections will have

30 business days to make application for an “Inspection Only” permit using the provisions of this policy.

2. Owners cited for construction without a permit and/or inspections that do not meet the provisions of this policy shall be ordered to remove the construction done in violation of the City’s Property Maintenance Code.
3. Owners ordered to remove the construction under this policy may appeal the removal order to the Building Official, in writing, within 10 business days of the notification to remove. The written appeal shall either request the use of this policy to come into compliance, or a hearing before the Code Enforcement Board.

F. Failure to Correct

Building and Code Enforcement Staff will take all legally permissible actions to:

1. ensure removal of construction done without permits and/or inspections, or
2. ensure compliance with Code Enforcement Board directives, or
3. ensure compliance with this policy upon issuance of “Inspection Only Permits”.

EFFECTIVE DATE:

SEPTEMBER 24, 2010