



## #B012

# “AFTER THE FACT” CONSTRUCTION

**After-the-Fact (ATF):** Construction done without permits and/or inspections create difficulties for both applicants and the local jurisdiction. Occasionally, structures built without permits do not meet minimum standards, intrude across property lines, encroach into required setbacks, or may exceed maximum lot coverage or height. To bring these buildings and structures into legal compliance, they must be considered as “new” construction and must comply with the current City-adopted codes and ordinances for building, plumbing, mechanical, and electrical\* systems. Plan review and inspections are required, but often must take place after the work is covered or concealed.

\* Please note that electrical permits and inspection are conducted through the Washington State Department of Labor and Industries at <http://www.lni.wa.gov/TradesLicensing/Electrical/> and not the local jurisdiction.

While it is always the responsibility of property owners to ensure that structures in their ownership are constructed in compliance with City and State codes. It is the service provided by the City Building Division to review such work for compliance in protecting the public health and future occupants of the structures. City and State building codes are enacted to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

### **Responsibilities of “After-the-Fact” Permit Applicants:**

When submitting for an “After-the-Fact” building permit, an Owner shall submit all required documents and clearances as reflected on the Submittal Checklist attached. It is important to note that the plans and documents are to be reviewed as new construction and not existing structures. Construction within 200’ of the marine shoreline shall be reviewed and brought to compliance with the City Shoreline Master Program. Construction occurring on properties with Critical Areas and/or Geologically Hazardous areas shall be

brought to be in compliance with Bainbridge Island Municipal Code (BIMC) Title 16. Construction occurring within a flood zone must be in compliance with the federal flood regulations.

### **“After-the-Fact” Plan Review Process:**

Obtaining an ATF building permit is similar to the process to obtaining a regular building permit. The same submittal document requirements apply. 2 sets of construction documents are required as specified in the Residential Construction Plan Requirements Guide (Form B004) which show at minimum a site plan, floor plans, and exterior elevations. Any additional documentation regarding the compliance of the construction including photographs, self certifications, letters or statements from the contractors, reports, or affidavits or any other material documentation that may be of assistance would be submitted at this time. Required Investigation Fee, Planning Review Fees, Plan Check Review Fees, Building Permit Fees, and State fees are calculated at this time.

### **“After-the-Fact” Inspection Process:**

Upon issuance of an “After-the-Fact” building permit, the applicant is required to request an inspection by the City. A City of Bainbridge Island Building Inspector will inspect the construction for the following items: Setbacks/ Height/Lot Coverage, Footings/ Foundations, Framing/Structural, Washington State Energy Code, Mechanical Code, Plumbing Code, Drywall, Egress, Critical Areas or other items, and General Life-Safety/Final Inspection. Please note the possible inspection requirements.

### **“After-the-Fact” Inspection Requirements:**

Please note: The following features may be required to be exposed for verification of correct installation to ensure minimum compliance with State and City building code requirements. Pictures of work completed, contractor certifications, letters, statements from the installers, reports, or affidavits or any other material documentation may be of assistance in satisfying inspection requirements. The procedures identified below may be required upon inspection.

1. **Foundations:** Exposure of Foundation **may** be required by the Building Inspector so that the footing depth and width can be verified. A minimum of a 2 foot by 2 foot hole may be required for inspection purposes.
2. **Slab:** Holes,  $\frac{3}{4}$ " in diameter **may** be required to be drilled in the slab as required by the Building Inspector so that slab thickness and material below slab may be verified.
3. **Reinforcing Steel:** Written verification **may** be required from an approved testing agency that reinforcing steel has been installed according to approved plans as determined by the building inspector. Ultrasonic test or R-mete scans may be acceptable for this purpose.
4. **Anchor Bolts:** Foundation anchor bolts **may** be required to be exposed at a number of locations as determined by the building inspector.
5. **Shear Hold Downs:** Lateral resisting (shear) hold downs shown on plans **may** be required to be exposed as determined by the building inspector.
6. **Sheer panels:** Building finish/wall covering **may** be required to be removed to expose shear paneling and fastening inspection as determined by building inspector. If determined by the building inspector, a minimum of 2 foot by 2 foot section per wall **may** need to be exposed for shear panel and fastener inspection.
7. **Connectors:** Framing hardware and structural connectors **may** be required to be exposed as determined by the building inspector.
8. **Access:** Underfloor and attic access shall be provided to the building inspector if required. Areas shall have adequate access, ventilation, and clearances.
9. **Structural Welding:** All structural welding **requires** the approval of a licensed engineer or architect and must be inspected by a certified welding inspector.
10. **Interior Gas Piping:** Interior gas piping **may** be required to be exposed as requested by the building inspector and the entire interior gas piping system must be certified for pressure testing consistent with Bainbridge Island Municipal Code Section 15.04
11. **Exterior Buried Gas Piping:** Exterior buried gas piping **may** be required to be uncovered at each end and at 25 foot intervals, or as required by the building inspector. Exterior buried piping (including natural gas, propane, metallic piping, and non-metallic piping) **may** be required to pressure tested to be shown consistent with Bainbridge Island Municipal Code Section 15.04.
12. **Sewer Lines:** New sewer drain lines or sewage disposal systems **may** be required to be exposed for inspection as needed by the building inspector.
13. **Drain/Waste Lines:** Drain/Waste connections to existing drainage systems **may** be require to be exposed by the building inspector. If piping is under a concrete slab then the slab **may** be required to be cut and excavated to the point of connection if determined by the building inspector.
14. **Drain/Waste Venting:** Drain waste and vent plumbing **may** be required to be exposed and may be required to be flow tested as determined by the building inspector.
15. **Mechanical:** Components of the mechanical system (heating and air conditioning), **may** be required to be made visible for inspection as determined by the building inspector.
16. **Insulation:** Floor, wall, and ceiling insulation may be required to be exposed if determined by the building inspector.

# Submittal Requirements

Use the column to the left to check off items included with your application.

✓ Form #	Required Submittal Items
<b>B101</b>	1. Building Permit Application - 1 original
	2. Site plan - 2 copies
	3. Photos before & after work.
	4. Construction plans - 2 sets (1 set to carry design professional's original stamp and signature if prepared by a licensed professional).
	5. Engineered plans and calculations, if applicable - 2 Sets (1 set to carry the engineer's original stamp and signature).
<b>B103</b>	6. 2015 Energy Code Worksheet - 2 copies (If applicable)
<b>B104</b>	7. Address Request Form - 1 copy (If applicable)
	8. Sewer/Water Services: Binding Sewer and/or Water <b>letters required</b> if you do not have a septic system or private well.
	9. Kitsap Public Health District Documentation - <b>1 original</b> Any work touching the ground and all new and replacement single family residences or duplexes are required to have review and approval from Kitsap Public Health District (360-337-5285). The documentation to submit to PCD will be one of the following: <input type="checkbox"/> Accepted or *Concurrent Review BSA (Building Site Application) <input type="checkbox"/> Accepted or *Concurrent Review BC (Building Clearance) <input type="checkbox"/> Accepted Building Clearance Exemption
<b>B109</b>	10. Residential Surface & Stormwater Management (SSWM) <b>worksheet</b>
	11. Residential Surface & Stormwater Management (SSWM) Plan. To include the following: <input type="checkbox"/> SWPPP Narrative - 2 copies <input type="checkbox"/> SWPPP Drawings - 2 copies (on minimum 11" x 17" paper; drawn to scale) <input type="checkbox"/> Soil Management Plan - 2 copies

\* At the discretion of the Building Official!

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## **BUILDING DIVISION POLICY AFTER THE FACT PERMIT FEES**

APPROVED BY: James R. Weaver  
Building Official

PREPARED BY:   
James R. Weaver  
Building Official

Effective Date: July 1, 2016

### **Issue:**

Construction occurring without permits has become more and more frequent on Bainbridge Island. Code Enforcement policies have been adopted to assist with the processing of building code violations. Often, an “**after-the-fact**” building permit will be submitted for the work conducted without permits.

This policy reiterates the establishment of an inspection fee in the amount of half of the total fees for the permit including at minimum, the building permit fee, plan review fee, and planning review fee, to be levied for any after-the-fact building permit collected pursuant to Bainbridge Island Municipal Code Section 15.04.050. Fee calculations shall be determined as with new construction, but determination of contractor bid price or estimates for entered fee amounts shall be required to be submitted in writing.

### **Determination:**

Any proposed “after-the-fact” building permits submitted after the work has commenced will be collected pursuant to Bainbridge Island Municipal Code Section 15.04.050 and will include the establishment of an inspection fee in the amount of half of the total fees for the permit including at minimum, the building permit fee, building plan review fee, and planning review fee, to be levied for any after-the-fact building permit:

1. The establishment of the investigation fee for the “after-the-fact” building permit will at minimum, include the building permit fee, building plan review fee, and
2. Fee calculations shall be determined as with new construction, but determination of contractor bid price or estimates for entered valuation amounts shall be required to be submitted by the applicant in writing.

3. In the event that an “after-the-fact” permit is submitted and is ready for issuance, but is not paid for nor issued within 60 days of ready to be picked up, code enforcement actions and fines may commence pursuant to Bainbridge Island Municipal Code Section 15.04.030.
4. In the event that an “after-the-fact” permit is issued, but inspections are not requested within 60 days of date of permit issuance, code enforcement actions and fines may commence pursuant to Bainbridge Island Municipal Code Section 15.04.030.

**Reference:**

This policy was created in the effort to ensure that the goals and vision of the Bainbridge Island Municipal Code regarding “After-the-fact” permits was depicted and clearly delineated as to the process followed by the Bainbridge Island Building Division. The Bainbridge Island Building Division endeavors to accomplish its mission of protecting the public health and safety of the built and natural environment, while simultaneously balancing the private rights of the individual land owner. The intent and application of this policy exists toward that effort.

**Bainbridge Island Municipal Code Section 15.04 Building Code**

*Section 15.04.030 C. Investigation Fees – Work Without a Permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether a permit is then or subsequently issued. If a permit is not issued, the investigation fee shall be due to the city within 60 days from the date of notification the fee is due. The investigation fee shall be equal to the total permit cost, except the SBCC fee. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this chapter or from any penalty prescribed by law.*