



**Boulder County  
Land Use Department  
Publications**

# Construction Without a Building Permit

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**Office Hours:**  
M, W, Th., F 8 a.m. - 4:30 p.m. | Tue. 10-4:30

Building Permits can be applied for  
and issued until 4:00 PM

## Construction Without a Building Permit

### The Problem

From time to time, we are approached with questions about construction which has been completed without the required building permits. In many cases, the concern arises as a property is changing ownership and confirmation on compliance with building codes is requested by the realtor, lending institution, or insurance company.

### Why Building Codes?

Building codes are adopted and enforced all over the world in an attempt to insure that the structures in which we live, work, and play meet recognized minimum standards for protection against structural collapse, fire, explosion, health hazards, and other potential dangers.

### The Importance of In-Progress Inspections

It is difficult and at times impossible to determine whether or not a building meets these minimum standards if the structure did not have the benefit of in-progress inspections. It is often impossible to evaluate the safety of a structure if important elements have been covered by insulation, drywall, siding, concrete, or brick. Don't cover anything until it has been inspected and approved.

### Requirement for Building Permit

If it is determined that construction requiring a building permit was performed without a permit, the owner of the property will need to apply for a building permit. The Boulder County Building Code requires the collection of an investigation fee equal to the amount of the normal permit fee, as well as other required fees.

### Plans

The applicant will need to provide plans which show the work that was constructed. The plans will be reviewed by a Plans Examiner to assure compliance with building code requirements. The plans will either be approved or the applicant will be notified of deficiencies and the plans will have to be re-drawn to insure compliance with the Building Code. Please be aware the work is subject to and inspected under the current code, not the code that was in effect at the time the work was started.

### Inspections

After the permit is issued, the owner will need to call the Building Inspection Division to arrange an inspection. The Building Inspector will inspect all components of the construction that are visible. In cases where work has been covered, the inspector will direct the owner what materials to remove so the inspection can take place. Any required corrections will be noted on a correction notice. These items will need to be re-inspected after the required corrections are made.

### Reports

Frequently the Building Inspector is unable to verify that certain aspects of the construction meet the minimum building code requirements. These circumstances often involve footing and foundation elements, which were placed without inspection. When these situations arise, the owner will need to arrange for a site inspection by a qualified expert such as a Colorado-licensed engineer or architect. After the inspection an original stamped and signed inspection report must be sent to the Building Division office for review which confirms that the elements inspected are capable of supporting the loads that are imposed on them.

## Grandfathering

The Building Code provides for buildings that were legally occupied at the time the code was adopted so they may have their use continued provided the continued use is not dangerous. The Code also provides that additions and alterations may be made to existing structures without requiring the existing structure to comply with current code, provided the new construction conforms to the requirements of the current code. Since the Boulder County Building Code was not adopted until 1959, buildings built and occupied prior to this time are considered as existing buildings that do not need to meet the requirements of the Code.

## Certificates of Occupancy

Certificates of Occupancy were issued for buildings other than single family residences beginning in 1959 and for single family residences beginning in 1976. Certificates of Occupancy are not required for buildings constructed before these dates. The county does not issue Certificates of Occupancy for additions to or remodels of one- and two-family dwellings. Certificates of occupancy are not issued for garages, sheds, or agricultural buildings. The Building Official will not issue a Certificate of Occupancy for a building that was started without a valid building permit and did not receive approval for each code-required inspection at the time of construction.

## What If You Don't Get A Building Permit?

A building permit is required for most types of construction work that takes place within Boulder County with very few exceptions. Starting work without the required building permit is a violation of the Boulder County Building Code and in some cases legal action may be taken to force a property owner's compliance with the Code. There are other reasons why a property owner benefits from obtaining a building permit. The building permit is one way of having some assurance that your building is safe. You can use the resources available at the Building Inspection Division to assure that your structure meets nationally recognized minimum safety standards. It is likely that in the future someone will want proof that your building complies with local building codes, often a bank or insurance company. Your insurance company may not pay on a damage claim if your building does not comply with local codes. In addition, you are more likely to be held liable for injuries to someone using your building if it does not meet required safety standards.

## Phone Inquiries May be made to the Following Offices:

Building Code Questions: (303) 441-3925  
Planning & Zoning Inquiries: (303) 441-3930  
Septic System Inquiries: Public Health (303) 441-1190

