



City of Kingsburg

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WORK DONE WITHOUT A PERMIT

Building permits are issued by the City of Kingsburg to ensure that construction is done in a safe manner. City of Kingsburg Building and Code Enforcement staff work with citizens, architects, business owners, contractors, engineers, and many others to ensure that construction within the city complies with the minimum requirements for fire and life safety as outlined in the California Building and Standards Code. The most effective way of ensuring that construction complies with the California Building and Standards Code is through obtaining building permits.

Work done without required building permits is in violation of the City of Kingsburg's Municipal Code and the California Building and Standards Code. Unpermitted construction is considered - by default - to be illegally constructed work.

Here are some quick facts about Illegal/Unpermitted Construction:

- There is no statute of limitations on unpermitted construction. Work that was constructed without permits in the past is still considered illegally constructed.
- A change of ownership does not make any unpermitted construction legal.
- Legalization of unpermitted construction will ensure that the work meets minimum building code standards.
- Future sale of the property may be adversely impacted by unpermitted construction. California's real estate disclosure laws require that all illegal construction to be declared prior to sale.
- Banks and appraisers may not include unpermitted work for property value calculations.
- Unpermitted construction can affect your home or business's insurability, which may make the current owner liable for any damage repairs to or caused by the unpermitted work.

Unpermitted construction may go unnoticed for a while; however, it often surfaces when you sell your home, or a new commercial tenant comes in to obtain a building permit for new work. Often, the City of Kingsburg will receive complaints from concerned citizens regarding unpermitted construction on theirs or their neighbor's property. Additionally, the City of Kingsburg Building and Code Enforcement Division proactively investigates and checks suspected unpermitted construction throughout the community as a normal part of their duties. The responsibility for addressing any unpermitted construction ultimately falls on the owner of the property.

Properties that have been issued a Notice of Violation for unpermitted construction but choose not to address the violations can face citation, abatement of the violation at the owner's expense, criminal prosecution, or other legal action. The City of Kingsburg rarely must pursue these steps as most property owners recognize the importance of legalizing unpermitted construction and voluntarily comply with all Notices and Orders. It is the City of Kingsburg's policy to promote and assist property owners in coming into voluntary compliance.

IF YOU'RE ISSUED A NOTICE OF VIOLATION FOR UNPERMITTED CONSTRUCTION, THE FIRST STEP IN REMEDIATING THE ISSUE IS TO CONTACT THE CITY OF KINGSBURG BUILDING AND CODE ENFORCEMENT DIVISION AT (559)897-5328 AND SPEAK WITH THE INSPECTOR WHO POSTED THE NOTICE ON THE PROPERTY.

The Inspector will help guide you through the steps with which to address the violations on the property. City of Kingsburg Inspectors will outline within the Notice or Order the violations present and what corrective action is needed to address those violations. It is important to actively communicate with the Inspector throughout the legalization process to keep them informed as to the progress of addressing the violations listed in the Notice or Order.

The City of Kingsburg classifies unpermitted construction into two (2) separate categories: ***Simple*** and ***Complex***. Simple construction is defined as minor in nature that does not require extensive review or documentation for permit issuance. Complex construction may involve a more thorough examination of Building and other Code requirements, usually involving structural or extensive trade construction. Any permit issued by the City of Kingsburg will require compliance with the currently adopted Building Codes. Permits cannot be issued retroactively for when the construction originally occurred, per State of California law.

Simple Unpermitted Construction

Simple Unpermitted Construction requires the property owner or contractor to submit a permit application for the scope of work in question, paying the required fees, and requesting the required inspections. Simple permits can usually be issued “over-the-counter” with the proper construction documents on the day of permit application submittal. Contact the City of Kingsburg Building Division for more information on what documents are needed for specific types of Simple permits.

Examples of Simple Unpermitted Construction are as follows:

- Minor Electrical, Plumbing, and Mechanical work,
- Reroofs,
- Installation of Windows,
- Prescriptive Insulation,
- Certain fences.

Depending on the scope of the work, certain elements of the Simple Unpermitted Construction may have to be exposed for the inspector in order for the job to pass inspection.

Simple Unpermitted Construction



Example 1

Homeowner Adam was issued a Notice of Violation for installing a new electrical outlet in his garage without a permit. Adam contacted the City of Kingsburg Inspector who issued the Notice of Violation and was told that the violation was considered a Simple Unpermitted Construction and to come obtain a permit. Adam came to the City of Kingsburg Building Division during business hours, completed a permit

application indicating the scope of work (new electrical outlet), paid the required permit fee, and was issued a permit. Adam exposed the wiring to the new outlet and requested a Building Inspection for the next day. The City of Kingsburg Building Inspector came to the home, inspected the work done for compliance with Building Code requirements, and finalized the permit. The violation has now been addressed and the Code issue has been resolved.

Example 2

Homeowner Holly was issued a Notice of Violation for a completed reroof that was never permitted. Holly had hired a contractor for the job but was falsely told that “she didn’t need a permit.” Holly contacted the City of Kingsburg Inspector who issued the Notice of Violation and was told that the violation was considered Simple Unpermitted Construction and to come obtain a permit. Holly came to the City of Kingsburg Building Division during business hours, completed a permit application indicating the scope of work (reroof), paid the required permit fee, and was issued a permit. Holly requested a Building Inspection for the next day. Holly provided a ladder to the Building Inspector on the day of inspection, the work was inspected for compliance with Building Code requirements, and the permit was finalized. The violation has now been addressed and the Code issue has been resolved.

Complex Unpermitted Construction

When unpermitted construction is not considered minor in nature, it is determined to be Complex Unpermitted Construction. The intricacy of the building permit would exceed an “over-the-counter” approval and may require a formal plan check submittal by an architect, engineer, or other licensed design professional.

Examples of Complex Unpermitted Construction are as follows:

- New construction,
- Additions or alterations to existing structures,
- Change of Occupancy, e.g. Garage conversion to Accessory Dwelling Unit (ADU),
- Patios and Carports,
- Block Walls,
- New or addition of Solar.

After contacting the Inspector as required above, property owners who have received a Notice of Violation for Complex Unpermitted Construction will be asked to meet with the Building Official to go over the scope of the unpermitted construction and to develop a *Corrective Action Plan* for compliance.

In preparation for meeting with the Building Official, property owners must obtain and prepare the following information. This information must be brought to the meeting to be reviewed by the Building Official:

1. A site plan and floor plan of all structures on the property, including any and all Complex Unpermitted Construction.
2. Photos of the Complex Unpermitted Construction at each elevation.
3. Construction Records from the Fresno County Assessor’s Office. The Assessor’s Office can be contacted at 559-600-5956 or by visiting their website at <https://www.co.fresno.ca.us/departments/assessor>.

Complex Unpermitted Construction will most likely require review and preliminary approval by other City of Kingsburg Departments and Divisions, such as Planning and Zoning, Public Works, Fire, etc. The

information that the property owner provides will allow for the Building Official and other staff to determine the initial feasibility of legalization prior to further efforts.

At a minimum, the property owner or contractor of record will need to submit a permit application for the scope of work in question, pay the required fees, and request the required inspections. All construction work will need to be exposed for inspection.

Property Owners who have received a Notice of Violation for unpermitted construction can expect the following steps that may also need to be taken:

- A Code Compliance inspection performed by a City of Kingsburg Building Inspector. Information on this inspection may be obtained at <https://www.cityofkingsburg-ca.gov/DocumentCenter/View/2470/Guidelines-for-Code-Compliance-Inspections?bidId=>
- Depending on the extent of the Unpermitted Construction, a Planning and Zoning Review will need to take place. If the development is determined to require public hearings or action by a discretionary board (i.e. Planning Commission, City Council), further action will be required.
- A Plan Check will need to be submitted for review for Code compliance by the City of Kingsburg Building Division. Required items for Plan Check Submittals may be found at <https://www.cityofkingsburg-ca.gov/149/Building-Department>. Additionally, reference Information Bulletin 2023-001 [Who Can Prepare Plans](#). The City may accept “as-built” plans that conform to the current adopted Codes of the City of Kingsburg with all work being exposed for inspection.

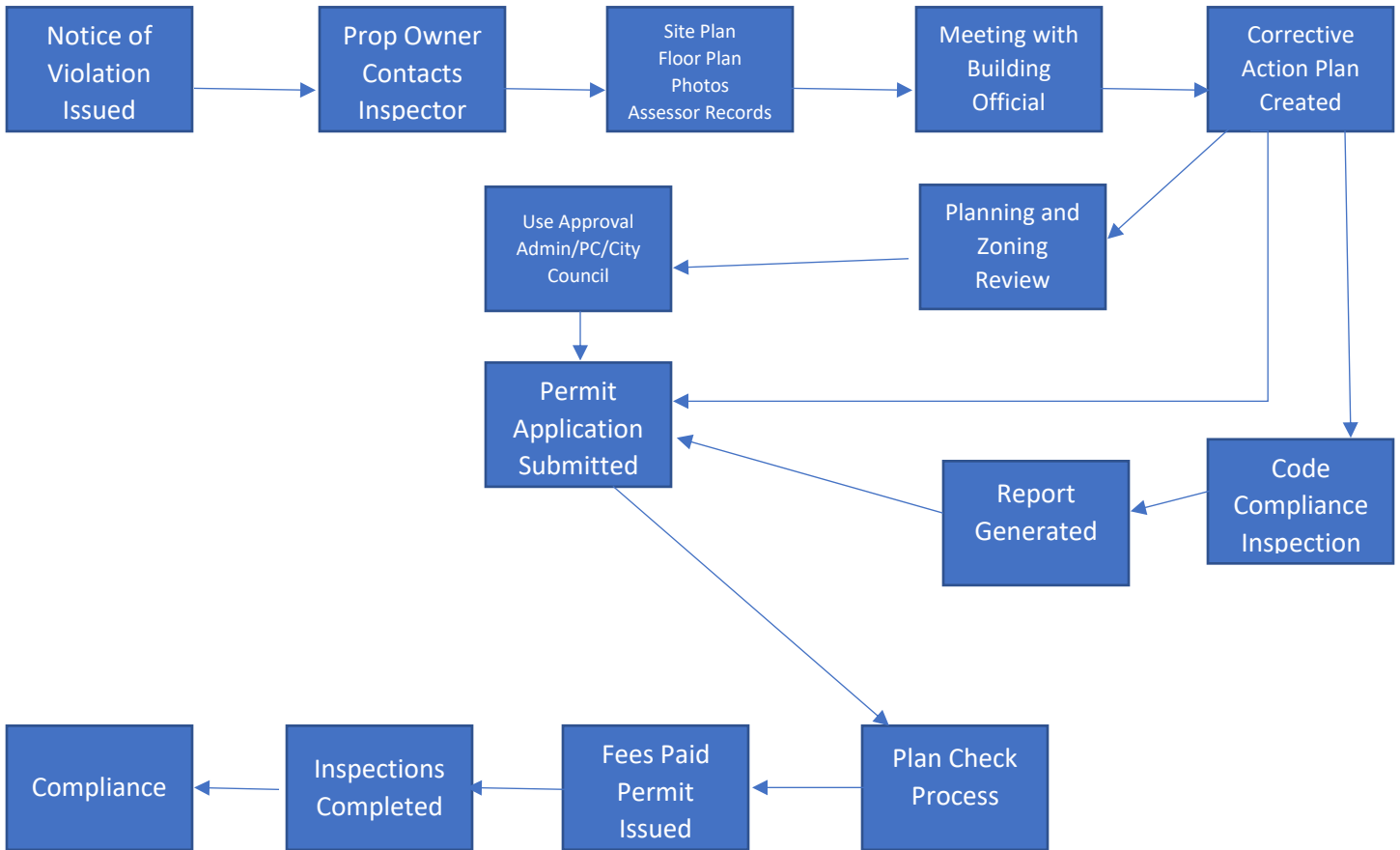
Example 1

Homeowner Alex built a detached 500 square foot carport on his property 10 years ago without permits. Alex was issued a Notice of Violation by the City of Kingsburg Code Enforcement Division for the unpermitted carport. After speaking with the Inspector, Alex scheduled a meeting with the Building Official. He drew a site plan and floor plan for all structures and obtained the Construction Records for his property from the Fresno County Assessor. After meeting with the Building Official, it was determined that Alex needed to submit a Residential Plan Check to legalize the carport from a licensed design professional. Alex’s Plan Check was reviewed for minimum Building Code compliance and approved as submitted. Alex paid the permit fees and was issued a permit for the carport. He requested a Final Inspection, the City Building Inspector reviewed the structure and how it corresponded to the approved plans, determined it met Code compliance, and finalized the permit. The violation was addressed and the Code issue has been resolved.

Example 2

Homeowner Kristen converted her garage to an ADU without permits. Kristen was issued a Notice of Violation by the City of Kingsburg Building Division. After speaking with the Inspector, Kristen scheduled a meeting with the Building Official. She drew a site plan and floor plan for all structures on her property and obtained the Construction Records for her property from the Fresno County Assessor. After meeting with the Building Official, Kristen paid for and requested a Code Compliance inspection from the Building Division to identify the Code deficiencies in the ADU. She used the Code Compliance inspection report to help her architect draw plans/blueprints for the structure that was submitted to the City of Kingsburg for Plan Check. Kristen’s Plan Check was reviewed for minimum Building Code compliance and approved as submitted. She paid the permit fees and was issued a permit for the ADU. Kristen requested the required inspections and ensured that all elements of the construction were exposed for the inspection. The City Building Inspector inspected the structure at various phases, how it corresponded to the approved plans, determined it met Code compliance, and finalized the permit. The violation was addressed and the Code issue has been resolved.

Complex Unpermitted Construction



If you have any questions regarding Unpermitted Construction, please contact the City of Kingsburg Building Division at (559) 897-5328 or buildingplanning@cityofkingsburg-ca.gov.