

CODE VIOLATION PERMIT PROCESS

The following information is provided to help clarify the permit and inspection process required for improvements made to your property without the required permits.

In order to protect the health, safety and welfare of the property owner, any future occupants or property owners, as well as the general public, Florida Statutes and local ordinances require that permits be obtained prior to erecting, altering, constructing or installing buildings, structures or service systems. In addition, the law requires that the construction be inspected at specified phases by qualified personnel to assure compliance with the required Building and Zoning regulations.

Code Compliance

If you are attempting to obtain a permit on an improvement, in response to a notice of violation or courtesy notice of violation, Code Compliance and the Building Department recognize that you are under a deadline to make corrections. The Building Department staff will try to respond to your permit application in a timely fashion. However, please recognize that it is your responsibility to obtain the appropriate permits, required inspections and Certificates of Completion within the time allocated by the Code Compliance staff or Code Compliance Special Magistrate.

Code Compliance staff is aware of the time required to obtain a permit for a particular improvement. They will give you adequate time to comply, but it is important that you begin to take immediate steps to correct your violation(s). Often people under a code compliance action wait too long to take the appropriate action. Typical permitting turnaround times can only be relied on for improvements that have not yet been constructed and which have applications accompanied by complete, correct plans and permit documents.

If you encounter unforeseen difficulties, it is important that you communicate this information to the Code Compliance Inspector responsible for your case.

Remember that your improvement may not be typical and in all likelihood you have not yet had the necessary plans prepared. Further, structures built in violation without permits and inspections sometimes create the need for additional documentation and review. By their very nature, they will take longer to process for permit than other applications. In addition, permit fees for work completed without benefit of a permit are computed at 10% of the total cost of construction or \$500.00, whichever is greater.

It is very possible that the violation which exists on your property was there when you purchased the property, was constructed by an individual who misled you, or was constructed by an individual who was unaware of code requirements. The fact that you may not have created the violation yourself does not relieve Code Compliance staff from their responsibility to seek compliance from you as the property owner. If you believe you have been defrauded, Code Compliance staff will be able to assist you in contacting our Contractor's Licensing staff for a possible action.

Plans & Permits

At the time of permit submittal, you are required to submit plans and other documentation to the Building Division. Checklists are available at the permit counter to inform you or your representative of the minimum documentation and plan requirements for submittal of typical new construction.

At a minimum, you will have to submit these documents and construction plans to obtain permits. The code makes it necessary for many improvements to be designed by a professional architect or engineer, licensed in the State of Florida. In addition, because your improvement was constructed or installed without being inspected during construction, you have an added burden. Any components of the work that are covered, enclosed or otherwise inaccessible, that typically required inspection, will require the services of a design professional. The design professional must certify those components for compliance with all State and County codes as well as compliance with the "As-Built" drawings prepared by the professional.

"As-Built" drawings must provide the typical details and minimum information required by Monroe County. They also identify code deficiencies on the plan and proposed corrections.

If the property is under violation by the Code Enforcement Department, a copy of the notice of violation must accompany the application. This allows the staff to better understand the scope of the work being performed or already performed.

Inspections/Certificates

To abate your violation, it will be necessary for you to schedule and pass the appropriate building, plumbing, electrical and mechanical inspections.

If any of the building's components are covered or otherwise inaccessible to County inspectors, the architect or engineer will need to conduct his own inspections, through whatever means he decides are necessary, in order to certify all components and services to be in compliance with all County codes. This certification may be required prior to issuance of the permit.

Building Department staff will make, at a minimum, the required final inspections even with the appropriate certifications from the design professional. Other inspections may be required depending on the specifics of your case. Discuss this matter with the plans examiner or inspector. If the County inspector finds any building code deficiencies, the inspection will fail until the necessary corrections are made, or until the architect or engineer has otherwise addressed the violation.

Although a homeowner can act as his or her own contractor, the Code Enforcement and Building Department strongly recommend that you engage the services of a licensed contractor to assist you in this process, and to make any necessary corrections. Experience has shown that considerable time is saved using professionals. This is important, and required by Monroe County Code. Additional fines may be imposed for not using a licensed contractor.

Since bringing the violation up to code can be costly, you may wish to consider abating your violation through removal or demolition. The Building Department can assist you before you make application or before you consult a professional.