
Meeting Date: May 5, 2025

Subject: Unpermitted Work Fees

Attachments: Draft TMC Section 15.01.055 Unpermitted Work Fees Code

Presented by: Andrew Hattori, CED Director

Approved for Agenda by: Dan Ford, City Manager

Background:

The City of Toppenish currently utilizes code enforcement to ensure that requirements of the Toppenish Municipal Code (TMC) and various international codes are followed. When persons or properties do not comply with these codes they are likely to receive some form of code enforcement action. A common action brought forth by code enforcement is unpermitted work.

Unpermitted work involves construction activities that have not been permitted and checked to ensure compliance with building, fire, planning, and life safety code requirements. Should a resident of Toppenish begin construction of a structure before permitting this can cause a wide variety of issues, such as unsafe structures, life safety hazards, zoning code violations, etc. Once a violation has been noted the owner of the property can either demolish or remove the structure from their property or obtain a permit after the fact. Should the property owner neither demolish or permit the structure they could then be fined for a period of time or the unpermitted work could be abated.

Should a property owner decide to permit the structure there are often issues with obtaining access to portions of the structure to ensure it was constructed safely and issues with zoning codes such as setbacks. These issues are typically identified during the permitting process to ensure the location, height, construction, and safety of the building conforms to all codes and no issues would likely be present in the future.

Discussion:

Development services and code enforcement staff spend a considerable amount of time working with residents to bring unpermitted construction into conformance. Many of these cases could have easily been resolved if they had gone through the permitting process, coming in for a permit after construction can be both costly for the property owner and resident. There are little repercussions in place to encourage compliance with the law, which may result in persons considering not obtaining a permit and only going through the permitting process if they found by code enforcement. A method of encouragement that is employed by some cities is a "unpermitted work fee" which is applied to all permits pulled for code cases that involve unpermitted work.

Staff has taken steps to consider the type of “unpermitted work fee” that would be applicable in these scenarios and present a fee that would be equal to the standard “permit fee” applied during the application process.

Example 1. Permitted v. Unpermitted Fencing

Permitted Fence Fees	Unpermitted Construction Fence Fees
Washington State Surcharge: \$6.50	Washington State Surcharge: \$6.50
Building Permit Fee: \$30.00	Building Permit Fee: \$30.00
	Unpermitted Work Fee: \$30.00
Total: \$36.50	Total: \$66.50

Example 2. Permitted v. Unpermitted 180 sq. ft. Shed

Permitted Shed Fees	Unpermitted Construction Shed Fees
Washington State Surcharge: \$6.50	Washington State Surcharge: \$6.50
Plan Review Fee: \$42.90	Plan Review Fee: \$42.90
Building Permit Fee: \$66.00	Building Permit Fee: \$66.00
	Unpermitted Work Fee: \$66.00
Total: \$115.40	Total: \$181.40

The unpermitted work fee would scale with the size and cost of a structure, for example, the bigger the shed/shop the bigger the unpermitted work fee would be. Staff presents a proposed code that could be implemented to this effect with the creation of TMC 15.01.055. It should be noted that the code provides a way for property owners that have purchased properties with unpermitted construction a method of relief from the fee, if they can prove that the construction occurred prior to their ownership.

Staff is seeking Council review for the proposed code amendment and may bring the proposed update back for adoption at a later Council regular meeting.

Fiscal Impact:

None.

Recommendation:

None.

15.01.055 Unpermitted Work Fees.

A. Whenever any work for which a permit is required by any code has been conducted without first obtaining the required permit an unpermitted work fee shall be paid before any subsequent permits may be issued.

B. The unpermitted work fee shall be equal to the amount of the permit fee required by code.

C. The payment of such unpermitted work fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

D. Unpermitted work fees may be waived when credible evidence is provided to the Building Official which demonstrates that the unpermitted activity occurred without the current property owner's knowledge and occurred prior to their ownership of the property in question.