



2880 International Circle Colorado Springs, CO 80910

Building a Better Community
Thru Education and Enforcement



“CAN WE TALK?”

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Regional Building Department

QUESTION: I’m having a wood retaining wall that rotted out replaced with a block retaining wall system. The landscaper I’ve contracted with was issued a Stop Work Order last week. He said he has done many of these jobs and was never required to get a permit. What do I do with this half finished job now that the work has been shut down by RBD?

Your landscaper may have put up many retaining walls and never got caught. Or he may not realize that a permit is required to replace your retaining wall. **Retaining walls not greater than 4’ measured from the lower grade to the upper grade are exempt from permits.** In your case the work involves several walls stepped back supporting more than the 4’ exemption. You may have heard the saying “Ignorance of the law does not excuse a person from abiding by the law,” and that would certainly apply in your situation. Even though your contractor may not be aware that a permit is required for a retaining wall, a permit is indeed required.

It has never been easier to find out if work in the El Paso County requires a permit. You can call us during standard business hours 327-2881 and ask if the work you are thinking about having done requires a permit or go to our web site at any time and find the information there. You can access our website www.pprbd.org to check the list of work that does NOT require a permit (look under the Regional Building Code). If a contractor tells you that you don’t need a permit, or that permits cost too much, there’s a good chance that the contractor is not licensed with RBD. We do not allow unlicensed contractors to pull permits. In addition to seeing what work requires a permit, while on our website you can also check to see if your Contractor has the required contractor’s license to perform the type of work you are thinking about having done in. Finally, you can also get an estimate of what your permit will cost while viewing our website.

Since the first of the year there have been 670 Stop Work Orders issued in El Paso County. These are all from verified complaints that require a permit for the work being done. That number is more than likely only a small percentage of the work performed locally without the required permits and inspections. Many of the folks working without permits may feel like they *got away with something* by doing the work without a permit and not getting caught. That sense of achievement might be short lived. I receive many calls every year from real estate professionals asking a similar question: "I have a closing coming up and the buyer's home inspector has found that the basement was finished (or any number of projects that require permits were performed) without any record of permits in your database. What can we do now?" There are times when this costs the seller a sale. In some cases, a permit can be issued after the work is done. However, if the work doesn't come close to meeting the codes some of, or in the worst case, the work may have to be torn out and redone. It's usually much easier to make corrections, so that codes and standards are adhered to, while the work is being done rather than after the fact.

During my twelve years of service here I have heard every argument you can think of for not having to meet the codes. One of the most common is: "That's OK with me. It's my house and I'm going to live here the rest of my life." The problem with that argument is that since the structure likely has a longer life expectancy than its occupants; someone else will have to deal with the code violations and possible dangerous conditions down the road. The codes and the enforcement of them aren't designed to generate revenue; they're required by law for the life safety of the current and future occupants of the buildings being used. We have recently adopted the 2009 International Building and Residential Codes. We have also adopted the 2011 Regional Building Code.

The following is from the 1788 Building Code of Salem, NC;

"8) Mistakes that are made during construction are often costly to correct and often also such mistakes become a hazard or blight for the whole community.

For that reason all parties will do well to uphold the rules and they shall not get negligent or careless in submitting their plans to the Council and making all inquiries necessary. We know from experience that most mistakes are simply due to the fact that no plans were made right at the beginning so that things come up which nobody had thought about at the start. In such cases no changes can be made because nobody had the whole matter before his eyes in order to give advice"

Wow, not the best grammar but isn't it interesting how the more things change the more they stay the same.

Be smart and do your homework before you start any upgrades to your property.

All of my previous columns are available on our website www.pprbd.org

Submit your questions to: terryb@pprbd.org or mail to: Pikes Peak Regional Building Department

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