



## UNPERMITTED CONSTRUCTION THE HIDDEN DANGER

Community Preservation's main mission is to protect the Newark Community by maintaining compliance with the City of Newark Municipal Code. This Code covers a wide variety of activities and conditions that may compromise the quality of life of the community, including Building and Construction Codes.

Most buildings that persons occupy, including residential, commercial and industrial, require the PROPERTY OWNER to make sure a building permit is obtained to initially build. Any additions, modifications, alterations, demolition, or change of occupancy require the property owner to make sure a valid building permit is obtained, pass the required inspections, and achieve final approval.

If a responsible person (property owner, property manager or occupant starts an improvement to the structure, but fails to obtain a building permit; or the permittee has a permit issued, but fails to pass required inspections, achieve final approval, or allows the issued permit to expire; or acquires a property where conditions that require a building permit are present, but are not covered by a finalized building permit record, THESE CONDITIONS ARE DANGEROUS AND CONSIDERED TO BE UNPERMITTED CONSTRUCTION.

**Unpermitted Construction is a code violation.** Most code violations are identified, documented, and notice is given to the responsible party/parties to resolve.

**Failure of the responsible party/parties to resolve the violation may result in administrative fines, criminal prosecution, civil abatement, clouded property title, civil injunction, lien, special assessment, receivership or other legal actions. Any City costs for abatement of code violations are recoverable through legal processes. The legal consequences may become overwhelming for the responsible party. These legal consequences may cause high monetary cost to you.**

**There are common practices that a responsible party may exercise to avoid overwhelming legal consequences:**

- Participate in the entire process necessary to obtain a permit
- Schedule and pass all required inspections
- Achieve final approval
- Be aware of the expiration date of the issued permit
- If a permit is close to expiration and you determine you may need a time extension, obtain one.
- When you purchase, inherit or otherwise acquire ownership of property, check the permit records.
- If a selling party discloses unpermitted work or if you acquire the property through an inheritance or auction setting, realize you may have to undergo the mandated processes and expenses.
- Be aware of anyone using the term "existing" when referring to construction not covered by a permit.

**WHO PERFORMED UNPERMITTED CONSTRUCTION AND/OR WHEN IT OCCURRED DOES NOT MATTER. TIME PASSING DOES NOT RESOLVE THE PROBLEM. THE CITY BUILDING RECORDS ARE THE DECIDING FACTORS. PLEASE TAKE THE TIME TO PREVENT AND/OR RESOLVE UNPERMITTED CONSTRUCTION.**

If you have questions regarding this information, please contact City of Newark Community Preservation Division at the contact information below.

