

**EL DORADO COUNTY  
BOARD OF SUPERVISORS  
AGENDA TRANSMITTAL  
Meeting of May 15, 2007**

<b>AGENDA TITLE: Building Permit Fees Refund</b>		
<b>DEPARTMENT: Board of Supervisors</b>	<b>DATE: May 4, 2007</b>	<b>CAO USE ONLY</b>
<b>CONTACT: Supervisor Ron Briggs</b>	<b>PHONE: 621-5652</b>	
<b>DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: Supervisor Briggs requesting the Board approve refund of 2005 and 2006 building permit fees in the amount of \$1,268.04, charged to Wayne Gibson.</b>		
<b>CAO RECOMMENDATION:</b>		
<b>Financial impact? ( ) Yes ( ) No</b>	<b>Funding Source: ( ) Gen Fund ( ) Other</b>	
<b>BUDGET SUMMARY:</b> <b>Total Est. Cost</b> \$ _____ <b>Funding</b> <b>Budgeted</b> \$ _____ <b>New Funding</b> \$ _____ <b>Savings*</b> \$ _____ <b>Other</b> \$ _____ <b>Total Funding Available</b> \$ _____ <b>Change in Net County Cost</b> \$ _____ * Explain	<b>CAO Office Use Only:</b> <b>415's Vote Reqd.</b> ( ) Yes ( ) No <b>Change in Policy</b> ( ) Yes                      ( ) No <b>New Personnel</b> ( ) Yes ( ) No <b>CONCURRENCES:</b> <b>Risk Management</b> <b>County Counsel</b> <b>Other</b>	
<b><u>BOARD ACTIONS:</u></b>		
<b>Vote: Unanimous _____ Or</b>  <b>Ayes:</b>  <b>Noes:</b>  <b>Abstentions:</b>  <b>Absent:</b> Rev. 7/96 j:\agendalwin96	<b>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.</b>  <b>Date:</b>  <b>Attest: CINDY KECK, Board of Supervisors Clerk</b>  <b>By:</b>	

P.O.Box 1296  
Georgetown CA. 95634  
July 5, 2006

Dear Mr. Sweeney,  
Subject: Building permits fees

I pulled my building permit in 2002 and at that time the permit length was 2 years with 2-year renewals as long as process was being made. Under title 15.16.020

In 2004 I applied for my first renewal, which should have been for 2 years but in 2005 I received a noticed that my permit was expiring and needed to be renewed again. At that time I paid the fee of \$487.43 for the renewal.

This passed June 2006 I was told my permit was expired and I must re apply for a new permit. I did this at the cost of \$781.61

When I took out my first permit in the 2002 I explained to building department I was building out of pocket and was planning on this taking 4 to 5 years to complete. They assured my there would be no problem. They told me I could keep renewing every 2-year as needed as long as there was process under the code 15.16.020

Later I was told the code had been amended in 2003 to read that a building permit was for 2 years with 2 one-year extensions.

After researching this further we discovered the code reads all permits renewals are subjected to the same codes that were in effect at the time of the originals permit issued date.(15.16.020)

This would mean I should not have had to renew in 2005 at the cost of \$487.43 and my first renewal should have been in 2006 and that should not have a reapplication of a building permit

I am seeking a refund on my 2005 renewal fee and on my reapplications fee in 2006 minus my renewal fee under the ordinance 15.16.20.

I have spoken with the Building Supervisor, who says he interprets that to be the uniform building code. But according to how the ordinance reads it specifically states codes plural.

We greatly appreciate the time you have taken to look into this matter, as we know we are in district 4 without a present person to voice our concerns to and help us in this matter and you have stepped up to help us.

Thank you again for all your help

Wayne Gibson



*previous code*

 The life of the renewed permit shall be ~~two (2) years~~, and the time shall start from the same day and month that the permit was originally issued and the year that it is required to be renewed. When a permit is renewed it shall remain subject to those codes in effect at the time of issuance of the original permit and all provisions of suspension or abandonment of work, stated above, shall apply to renewed permits.

(3) VOID PERMITS: Permits which have expired by limitation and which have not obtained valid renewal as set forth above shall require the issuance of a new building permit and the payment of the building, septic system (if applicable), and encroachment (if applicable) fees applying to new construction at the time of re-issuance. If the septic system and/or encroachment have been approved, these fees will not be added at the time of renewal or reissuance.

(4) NOTICES: The building official shall notify permittees of the expiration date and time provisions of this ordinance by the attachment of a copy of this ordinance section to the approved plans at the time of issuance. In those cases where the permittee takes no action to apply for a renewal as provided for in this section, the building official, acting thirty (30) days after the date of expiration, shall record a NOTICE OF NONCOMPLIANCE with the county recorder. The NOTICE shall identify the property and set forth the fact that the building or work has not had a final inspection approval from the building division and that the owner has been so notified.

When a new building permit has been obtained to complete the building or work for which the original permit was issued as allowed under this section, the building official shall record with the county recorder's office and provide to the property owner of record, a NOTICE OF CANCELLATION certifying that a new permit has been issued and the NOTICE OF NONCOMPLIANCE has been rescinded. This shall be done at the permittee's expense.

(Ord. 4034 §5, 1989; Ord. 3862 (part), 1988)

have obtained approval for said improvement.

Dated: \_\_\_\_\_ /s/  
Print

Subsection (3) does not apply to permits for any one or more of the following: (a) Change of electric service, (b) Underground piping systems, (c) Remodel and alterations within the exterior walls of existing buildings (d) Septic system repairs, (e) Installation of solid fuel burning appliances or mechanical equipment and (f) Fire repair.

In requiring the statement set forth in subsection 3, the county assumes no responsibility for verifying the owner's compliance, nor does the county assume any responsibility for enforcement of any private deed restrictions.

(Ord. 3862 (part), 1988)

15.16.130 Section 303(d) Amended--Permit Expiration.

Section 303(d) is changed in its entirety to read:

(d) (1) EXPIRATION: Every permit issued by the building official under provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed, with a final inspection approval and a certificate of occupancy, where required by the building code, within two (2) years from date of issuance; or if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of permit issuance; or if the building or work authorized by such permit is suspended or abandoned, at any time after the work is commenced, for a period of one hundred eighty (180) (days).

(2) ~~RENEWAL OF PERMIT~~: A building permit which has expired may be renewed within thirty (30) days of the expiration date by the building official, provided that the permittee has acted in good faith to diligently pursue construction prior to the permit expiration date and pays the appropriate renewal fee. Proof of diligently pursued construction shall consist of regularly requested inspections with their attendant notices of inspection and re-inspections. Where climatic conditions prevent construction activity for periods of one hundred eighty (180) days, the building official may grant exceptions.

TRP/km  
15-16 Ord  
01/28/03



**ORDINANCE No. 4625**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:**

**Section 1.** The title of Chapter 15.16 of Title 15 of the El Dorado County Ordinance Code is hereby amended to read as follows:

**Building Standards Code**

**Section 2.** Section 15.16.010 of Chapter 15.16 of Title 15 of the El Dorado County Ordinance Code is hereby amended to read as follows:

**15.16.010 Adoption.** The 2001 edition of the California Building Standards Code, known as the California Code of Regulations, Title-24, incorporating the following model codes, is adopted by reference with the general amendments set forth in sections 15.16.020 through 15.16.110 and the amendments specific to each model code as noted.

Uniform Building Code, 1997 edition, published by the International Conference of Building Officials including those sections of Volume 1, Chapter 1 not included above, and Appendix Chapters 3-Division II, 4-Division I, 12-Division IIA, 15, 31 and 33 with the additions, deletions and amendments set forth in Sections 15.16.020 through 15.16.100 of the El Dorado County Code;

Uniform Mechanical Code, 2000 edition, published by the International Association of Plumbing and Mechanical Officials with Appendix chapters and those sections of Chapter 1 not included above with the additions, deletions and amendments set forth in Section 15.16.110 of the El Dorado County Code;

Uniform Plumbing Code, 2000 edition, published by the International Association of Plumbing and Mechanical Officials with Appendix chapters and those sections of Chapter 1 not included above.

Uniform Code for Building Conservation, 1997 edition, published by the International Conference of Building Officials.

Uniform Fire Code, 2000 edition, published by the Western Fire Chiefs Association;

National Electric Code, 1999 edition, published by the National Fire Protection Association;

**Section 3.** Section 15.16.020 of Chapter 15.16 of Title 15 of the El Dorado County Ordinance Code is hereby amended to read as follows:

**15.16.020 General Amendments.** For the purpose of this code, the following general amendments apply to all portions of the code where the specific references are found.

**Building Official Defined.** For the purpose of this code, the terms "building official" or "administrative authority" mean the El Dorado County building official as defined in section 2.30.060 of the El Dorado County Code.

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Ordinance No. 4625  
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**Permit Expiration and Renewal.** For the purpose of this code, any reference to the expiration or renewal of a permit shall be replaced by the following:

**Expiration of Permit:** Every permit issued by the building official under provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed, with a final inspection approval and a certificate of occupancy, where required by the building code, within two (2) years from date of issuance, with the exception of a three year expiration date on all parcels affected by Tahoe Regional Planning Authority (TRPA) regulations. These exception permits will be found exclusively within the Lake Tahoe basin.

The permit may be extended two times only for a period of one (1) year each, subject to the conditions detailed in (2) herewith. Expiration of time limits shall be by operation of law and failure of El Dorado County to give notice of expiration shall not affect the applicability of these provisions.



**Renewal of Permit:** A building permit which has expired and qualifies for renewal under the conditions detailed in (1) herewith, may be renewed within 30 days of the expiration date by the building official, provided that the permittee has acted in good faith to diligently pursue construction prior to the permit expiration date and pays the appropriate renewal fee. Proof of diligently pursued construction shall consist of regularly requested inspections with their attendant notices of inspection and re-inspections. The life of the renewed permit shall be one year, and the time shall start from the same day and month that the permit was originally issued and the year that it is required to be renewed. When a permit is renewed, it shall remain subject to those codes in effect at the time of issuance of the original permit.

**Expired Permits:** Permits which have expired by limitation and which have not obtained valid renewal as set forth above shall require the issuance of a new building permit and be subject to review by all applicable departments and agencies for fee assessment.

**Notices:** The building official shall notify permittees of the expiration date by placing the expiration date on the permittee's copy of the inspection record card. In those cases where the permittee takes no action to apply for a renewal as provided for in this section, the building official, acting at least 30 days after the date of expiration, shall record a NOTICE OF NON-COMPLIANCE with the county recorder. The notice shall identify the property and set forth the fact that the building or work has not had a final inspection approval from the building department and that the property owner of record has been so notified.